

GREATEST
AMUSEMENT
AND
DRAMATIC
PUBLICATION
IN THE WORLD

The Morning Telegraph

RACING
FINANCE
THEATRICALS
BOXING, POLITICS
MOTION PICTURES
GENERAL SPORTS

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NEW YORK, WEDNESDAY, APRIL 25, 1923.

PRICE TEN CENTS.

THE TOWN IN REVIEW

A NEWARK man, "longing to know more about spirits," committed suicide. Why didn't he go down to the Highlands and see the truck loaded?

STONE cutters have struck for an advance of \$2 a day. I can remember a time when it would not have been surprising if stone cutters had struck for a gross wage of \$2 a day.

IT was almost an unfriendly act to wish Jim Larkin off on the Irish Free State.

SUMMER reached out a helping hand to Spring and yanked her from a snowdrift.

A DEAF mute in North Bergen, N. J., was run down by a trolley car and her speech was restored. Still, we would not advise other deaf mutes to take the same treatment.

PREACHERS who discuss secular affairs might as well understand that they are not immune from citation by the Grand Jury. If they know of law violation the courts are entitled to the information.

TWO prohibition enforcement agents have been suspended for firing on an automobile containing women. Slowly but surely we are arriving at an interpretation of the Volstead Act which concedes that it does not give enforcement agents the power of life and death over suspected persons.

A BRITISH banker advances the remarkable theory that gold from the United States is badly needed to settle Europe's finances. If he will just explain how this gold is to find its way to Europe the problem will be solved.

IF left to a referendum it is not likely a thousand votes would be cast against a celebration of the city's twenty-fifth birthday. Nobody to speak of is against it, not even the newspapers who oppose it to get even with Mayor Hylan.

FLORIDA seems to be the land of flowers and flails.

THE Plasterers' Union is complaining because interference by the union forced contractors to shoulder heavy losses. What is this—Utopia?

EIGHT men were given jail sentences and fines amounting to \$169,000 were levied on pottery manufacturers for fixing prices. Think of all those steins without any back to go in them.

MORE than 250 physicians have arrived to hold three days of surgical clinics. Which may be one good reason to be very careful not to get run over or fall in a coal hole just now.

FILM companies have lost their chance to save a lot of money in mob scenes—Jim Larkin has sailed. He was a whole mob in himself.

IRVING T. BUSH has predicted ultimate Franco-German amity. The only place I expect to see it is perhaps on the outside of a soup can.

A MASSACHUSETTS man, who believes in reciprocity, evidently, and who was a great fisherman in his day, ordered by will that his ashes be distributed to the fishes of his favorite stream, and that three cronies attend to the details. A nice cheerful place for them to fish in the future.

Efficiency Note.

TWO bank officials in Detroit looted the same bank, each unaware of the other's thefts, and the State bank examiner evidently aware of the thefts of neither.

A MEMBER of the Brooklyn Board of Education says there is too much dancing in the schools. There is too much of almost everything in the schools except study of the three essentials.

A PITTSBURGH professor says the supply of gasoline will last for centuries, but we'd feel easier if he could persuade Henry Ford to quit.

A MERICAN cigarettes are becoming very popular in China. I suppose Lucy Page Gaston thinks it's just terrible to displace opium and introduce the peaky things instead.

IT is unusual for newspapers to prejudice a civil case in the courts between two citizens and try to discredit one of these citizens before the jury has retired, but the unusual was accomplished by one or two of our contemporaries. (Murphy vs. Hartog; Davis, J.)

D. LOUIS A. BAUER of the Carnegie Institute says the earth is losing its magnetism. Well, what can he expect, with Governor Alfred E. Smith absorbing so much of it?

IF the peasantry of Russia should get in action what would become of the handful of Soviet officials now ruling the former empire?

THE Bowery puller-in has been abolished by the merchants of that section. Slowly but surely our most cherished institutions are disappearing. But cheer up, the panhandler is still there.

WITH the wireless in action absent treatment does not necessarily mean the absence of medicine.

A STATISTICIAN has discovered that there are 15,000 girl models in New York. He doesn't undertake to say how many model girls there are.

"CECIL Sees Harding"—Headline. But can Mr. Harding "see" Lord Robert when he talks League?

WASHINGTON advises say that members of Congress are drafting a bill to end gambling in sugar. Cheer up, Congress meets next December and it may be that within a year or so prices will fall.

MAYBE the warm wave came out of respect to the approach of daylight saving.

A CROWD at Erasmus High School Hall "boomed" Mayor Hylan at a transit debate; but no newspaper has suggested as yet that the meeting was "packed."

BEAU BROADWAY.

DEFENDANTS SCORE ON W. W. HODKINSON AT FILM HEARING

Producer Who Declared He Was Barred From Showings in Broadway Theatres, Admits He Has Had Picture Running Two Weeks at the Cameo Theatre.

CRITICIZES BOOKING SYSTEM

Witness Asserts He Tried to Have His Production Shown at Capitol to No Avail—Survey of Industry Is Brought to Examination—Kahn May Be Called Upon to Appear.

W. W. Hodkinson, who declared Monday that he was forced out of the Paramount Pictures Corporation, which he organized, admitted yesterday he has had a picture running for twelve weeks at the Cameo Theatre while in the witness chair in the hearing on the complaint of the Federal Trade Commission seeking to have the Famous Players-Lasky Corporation, with its affiliated companies and six individuals established as a motion picture trust.

Mr. Hodkinson yesterday was again the only witness heard in the hearing in the Engineering Society Building, 30 West Thirty-ninth street, before C. Edwin Alvord, examiner for the commission. W. H. Fuller conducted the examination as counsel for the commission.

Mr. Hodkinson had found fault with the system of booking in use at the big Broadway film theatres, saying only productions by the companies owning the houses were shown.

Prather S. Macdonald, counsel for the corporation and the affiliated companies, asked concerning the picture at the Cameo, "Down to the Sea in Ships."

Mr. Hodkinson said the picture has been running for twelve weeks. Asked how long a picture usually runs in the Criterion Theatre, he answered, a week. Mr. Macdonald then asked if the Cameo, which can show a picture for twelve weeks, was not to be called a first-class, first-run theatre.

The witness replied that the theatre lacked capacity, having only 530 seats. When Mr. Macdonald called his attention to the fact that the Criterion has only 650 seats, the witness said that the theatre had gained a reputation because of always having shown pictures of high quality.

"Don't you regard your picture, 'Down to the Sea in Ships,' as of high quality," asked Mr. Macdonald.

"The best in the city," replied the witness. Mr. Hodkinson said he had offered the picture to the Capitol and other theatres, but it had been declined because they were booked solid, or for other reasons.

Mr. Hodkinson asked about other theatres in Brownsville. He said that he had seen a list of names read, some of them on Eighth avenue and some on the East Side, but the witness said that in the case of many said them that he had never heard of them before.

Robert T. Swaine, of Cravath & Henderson, one of counsel for the defence, produced a survey made of the moving picture industry by the American International Corporation in 1919 for the banking firm of Kuhn, Loeb & Co., when Mr. Hodkinson was president of the stock of the Famous Players-Lasky Corporation.

Kahn May Appear.

It developed that Otto Kahn of the firm of Kuhn, Loeb & Co. had been subpoenaed by the examiner to bring this survey. The subpoena requested the presence of Mr. Kahn on Friday, but after the production of the survey Mr. Swaine was informed that Mr. Kahn need not appear at that time, but must hold himself in readiness to come when his presence was desired.

Hodkinson said the practices by large producers and owners of a number of first-class theatres were detrimental to the industry.

"The history of the business has shown that the most successful pictures have been developed by individual efforts rather than by mass production, where there is no competition and no necessity to have special regard to quality," he said. The independent producer being denied the patronage of the larger theatre does not receive compensation sufficient to successfully compete with other independent producers and this stands to lower the quality of the product.

Asked on cross examination if the first class theatre did not depend on the equipment of its building, the witness replied that it depended upon several factors, such as the size of the community, the size of the theatre, the price of admissions, general policies, such as adequate service, orchestra, etc., and the clientele.

"You spoke of the quality of pictures," said Mr. Macdonald. "What is the acid test of quality? That is the point?"

Box Office Chief Test.

"In the business," answered the witness, "the result at the box office is the supreme test. This depends to some extent on advertising, on the appeal of

MAUDE ADAMS.



Photo by Sarnoy.

Stage Star Who Returned From Abroad Yesterday.

MAUDE ADAMS RETURNS HOME

Stage Star Who Has Turned to Science Arrives After Short European Visit.

Guarding herself from reporters and the public even to the extent of going down a separate gangplank, Maude Adams, America's famous actress, arrived from Liverpool on the Baltic of the White Star Line yesterday morning.

During the voyage, she had kept exclusively to her stateroom, taking her meals there and having books and writing material brought to her. She traveled under her little known name of private life, Miss M. A. Kiskadden.

Miss Adams will stay at the Colony Club, Park avenue and Sixty-second street. On the dock she waved away reporters with the statement that she had nothing to tell them, but her manner was cheerful and she appeared to be in good health and spirits after her trip.

She was accompanied on the pier by Herbert L. Saterlee, former Assistant Secretary of the Navy, who was also one of the passengers on the liner.

1 VOTE LOSES REPEAL OF MULLAN-GAGE LAW

Assembly Fails to Relieve Committee of Further Consideration of Bill—Will Try Again.

(Special Dispatch to The Morning Telegraph.)

ALBANY, N. Y., April 24. An attempt to secure the passage in the Assembly of the bill repealing the Mullan-Gage Prohibition Enforcement Act failed today when a motion to discharge the Rules Committee from further consideration of the measure was lost 75 to 73.

The motion to discharge required 76 votes. Another effort to pass the measure in the Assembly will be made next Tuesday.

Assemblymen Robert R. Livingston of Columbia and Oscar Kahler of Chemung, Democrats, left their Democratic colleagues and voted to sustain the enforcement act. Had either voted for the motion the bill would have been passed.

Speaker H. Edmund Machold did not vote, but announced if his name had been called he would have voted in opposition. Assemblyman T. Channing Moore of Westchester, Republican, was absent when the vote was taken.

The Democrats who secured the passage of the repeal bill in the Senate with two Republican votes hope to secure necessary 76 votes when the bill is called up again in the Assembly next week.

MAL DE MER CAUSES 3 DANCERS TO QUIT

Eight couples, driven from land by the law, engaged in a dance Marathon yesterday on the Josephine, a fishing smack, out on the tossing waves of Gravesend Bay. They started in a Broadway ballroom Monday night, and up to the transfer to the Josephine everything had been excellent.

But the sea must have its toll and the sea had it yesterday. With a 45-mile-an-hour gale blowing the good, but small, boat pitched dizzily and spoiled the fun. The outcome of the exhausting test combined with the work of the billows reduced the number of contestants by three. The others danced on, but all were reached with spray.

FULL SELECTIONS WILL BE FOUND ON PAGE 10.

FAIR PLAY'S ONE BEST

(AT HAVRE DE GRACE)

PIETRUS

SHARPSHOOTER'S ONE BEST

(AT HAVRE DE GRACE)

SAGAMORE

HARDING INSISTS ON WORLD COURT

President, in Speech to Journalists, Declares U. S. Should Take Place in Group.

SPENDS VERY BUSY DAY

Nation's Chief Executive Attends Luncheon, Ball Game and Theatre in Flying Trip.

President Warren G. Harding told the publicists of the United States yesterday that he still believes America should take its place in an international court of justice; that the country owes this as a duty to itself and to the world, and that the League of Nations does not conform to the ideals of this country as he sees them.

The President's speech was delivered at a luncheon given by the Associated Press at the Waldorf-Astoria Hotel. Hundreds of newspaper editors and owners heard him. His progress to the hotel from his train was marked by a continuous ovation and in the hotel it was necessary to station extra policemen to clear a path for him to the luncheon table.

Last night the President saw "The Music Box Revue," with Mrs. Harding and a party of his personal friends and official family.

During the afternoon he was a spectator at the Yankee-Washington baseball game.

Plea for Loyalty.

In his address the President also made a plea for party loyalty and deplored the tendency to treat party platforms "as even less important than a scrap of paper." He added that blocs are prone to serve bloc interests.

The President laid stress on domestic problems and said that these call for first consideration. "Our own house must be kept in order," he added.

The President got a splendid reception as he entered the grand ballroom between Melville E. Stone, former president of the Associated Press, and Frank B. Noyes, present head of the news organization.

There was a fanfare from the orchestra as the distinguished guest entered and the hundreds in the great ballroom arose and applauded. The President sat with Mr. Stone on his right and Mr. Noyes on his left, while behind and above the guest of honor were two huge American flags. Among those at the head table was Josephus Daniels, former Secretary of the Navy.

In the double tier of boxes above the luncheon tables were additional hundreds of spectators, including many women.

The President and his party arrived in New York at 9 o'clock yesterday morning with a busy day confronting them. The President returned to his private car at midnight for the return run to Washington.

After breakfast on board the train, Mr. Harding proceeded to the Waldorf-Astoria under a heavy police guard. The Presidential party occupied a suite on the eighth floor. In the party were Mrs. Harding, Brig.-Gen. Charles E. Sawyer, the President's physician, Mrs. Sawyer, Chairman A. D. Lasker of the Shipping Board, Postmaster-General Harry S. New, and George B. Christian, secretary to the President.

Big Police Guard.

A guard of twenty-five detectives and scores of uniformed patrolmen and motorcycle policemen were assigned to the President for his visit here. Chief Inspector Lahey took charge of the police at the Pennsylvania Station. The trip to the Waldorf was made with an escort of twenty-five motorcycle patrolmen under Capt. Anthony Howe and fifty detectives under John D. Connelley, commanding officer of the detective division. One hundred detectives were assigned to guard the President in his box at the Yankee Stadium and at the theatre. There was little or no emotion or enthusiasm provoked during the course of the President's address. His speech was listened to with rather quiet and intense interest. The entire scene reminded one of a professor reading to a class.

Pleas for Accuracy.

President Harding prefaced his speech on the International Court of Justice with a plea for more accuracy in journalism. He said:

"It is apropos for me as a newspaper man in addressing a newspaper gathering that I should talk some kind of shop. I am willing to make a concession that I'd rather talk newspaper shop than anything else. Frankly, I never squirm under criticism and if I were to give a lecture on journalism it would be to eradicate misunderstanding. I would say that in journalism we should have a little less eagerness and much more accuracy."

President Harding, deviating from his prepared speech, said:

"In reading the progress of the full flight of our foreign relations, I have a matter of concern. And I like to say that to the enlarged and fuller understanding with all the republics of the Western Continent. And I like to say that your Government has been instrumental in wiping out the various causes of contention and conflict in the Western Hemisphere. And I like to say that, with Mexico, is nearing its solution."

HE PLAYED HOOKEY, ERLANGER ASSERTS OF HIS EX-PARTNER

Senior Member of Once Famous Theatrical Firm, on Witness Stand in Suit for Accounting, Declares Marc Klaw Left Him to Do the Lion's Share of Important Work.

SON'S "FIRING" CLIMAX

Plaintiff in Supreme Court Declaring He Did Not Know Why They Ever Came Together, Says Defendant Never Learned About Business—Trade Name Kept Them Together.

Abraham L. Erlanger, witness in the suit for an accounting of the partnership affairs of Klaw & Erlanger, described to Justice Nichols in the Supreme Court yesterday the series of events which ended in a dissolution of a relationship begun in 1888, which won and maintained a dominant position in the theatrical business of the country.

Summed up, Mr. Erlanger's catalogue of differences which intensified the situation ending in the final break was as follows:

Mr. Klaw's insistence on prolonged vacations from business, which he desired to last six months of the year.

Mr. Klaw's inability to comprehend the intricacies of the booking business.

Discharge of Joseph Klaw by Mr. Erlanger.

Mr. Erlanger was called to the stand by what counsel, former Governor Nathan Miller. One of the chief purposes of the inquiry was to determine whether Mr. Erlanger is entitled to interest for the amount of his investment in his and Mr. Klaw's theatrical productions and playhouses, over and above the amount of Mr. Klaw's investment.

"Did you ever discuss the matter of the payment of interest to you?" asked the former Governor.

"Yes, I did," was the answer.

"When and how? Tell us about it."

Planned Long Vacations.

"In a conversation with Mr. Klaw in June, 1903," the witness explained, "we had moved from 1410 Broadway to the New Amsterdam Theatre."

Mr. Klaw came to my office and told me what a great time he had had abroad. He said that he had made up his mind to spend five or six months abroad each year. Such trips, he said, did him no much good. I told him that was not according to contract.

"I won't put up with it," I said. "I don't propose to be the truckhorse while you are having a good time abroad." I told him, too, that Mr. Livingston's records showed that I had in the business, as my investment, \$150,000 more than he had, that I was risking that much more money than he in our affairs."

"I said: 'I'll give you three alternatives. First, you may match my capital; second, you may agree that I am to receive personally 5 per cent. on any moneys greater than yours that I have in the business; and third, you may agree to have a very friendly dissolution.' Personally, I preferred the third alternative."

"Mr. Klaw picked up a pad, did some figuring and said that it would be very embarrassing for him to have to go to the bank and ask for \$150,000 without the firm's endorsement. 'I suppose you wouldn't endorse it,' he added. I said that I certainly would not."

"Well," he said, "I don't want to dissolve, and I think it best to do the fair thing and pay 5 per cent. to you on all excess investment."

"If you will do that," I said, "ring for an attendant and send for Meyer Livingston and ask him to sign a statement for me. Mr. Livingston," asked ex-Governor Miller at that point.

"The auditor," was the answer. Mr. Erlanger said Mr. Livingston was sent for. "Mr. Klaw told him that I was to receive 5 per cent. interest on my excess investment. Thus it became a matter of contract, said the plaintiff, that interest was to be paid to him."

However, for two or three years he failed to draw it out, as the business of Klaw & Erlanger was "business as usual" and he wanted to build up a "very large credit." Later, however, withdrawal of accumulated interest for the three years was accomplished.

Charles Evans Hughes, Jr., cross-examining the plaintiff, brought out that the plaintiff and defendant became partners on October 4, 1888—"fifteen years before the three alternatives" were presented for the defendant's consideration. As to Mr. Klaw's qualifications, the plaintiff expressed himself plainly.

"He knew nothing about the booking business and he don't know yet," said Mr. Erlanger.

"Fate" in Partnership.

"How did you come to go into the partnership then?" asked Mr. Hughes.

"Well," said Mr. Erlanger, rumina-

STATE TO GET WARD CABLES

Attorney General Sherman Granted Right to Examine Messages in His Investigation.

DEFENSE MAY YET APPEAL

(Special Dispatch to The Morning Telegraph.)

ALBANY, April 24.

The cablegrams exchanged by Walter S. Ward and his brother, Ralph, in connection with the case of the death of Clarence Peters, and held by the Western Union, will be examined by the State, Supreme Court Justice Ellis J. Staley to-day handed down a decision giving Attorney-General Sherman the right to examine the messages.

This is the most important victory for the State in a series of legal actions connected with the investigation conducted by the Attorney-General into the circumstances surrounding the shooting of Peters, ex-marine, by Ward on a lonely road near the Kensico reservoir last May.

Justice Staley ordered the county clerk, with whom the messages had been impounded, to return them to the Western Union, which must in turn pass them on to the Attorney-General.

The court decided, however, that the subpoena issued by the Attorney-General and served upon the Western Union "to bring with you all copies of cablegrams sent to George S. Ward by Walter S. Ward and Ralph D. Ward signed 'Hap,' and from George S. Ward to Walter S. Ward and Ralph D. Ward" was "so broad and sweeping in its terms as to be unreasonable and noncompliance with it would be justified."

This, however, was regarded only as a minor setback for the State, for the decision of Judge Staley will put it in complete possession of the telegrams which the Western Union had been withholding.

Attorney-General Carl Sherman moved at once to-day to obtain the cablegrams, telegrams and radiograms, the production of which was directed by Justice Staley.

He indicated that the proceedings designed to obtain the messages in dispute will take the form of an application for an order carrying into effect the directions of Justice Staley's decree.

THE WEATHER.

Fair to-day and to-morrow, continued cool. Fresh north-west winds.

R. T. WILSON COLT DISPLAYS QUALITY

Wilderness, Candidate for Pre-kness and Derby, Makes Show of Sprinters at Havre de Grace.

RACE IMPRESSES EXPERTS

(Special Dispatch to The Morning Telegraph.)

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WOMAN WITNESS IRKS HIRSHFIELD

Mrs. Castro Suddenly Begins Asking Commissioner Questions and Is Ordered From Room.

ALBANY DODGES AN INQUIRY

(Special Dispatch to The Morning Telegraph.)

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Attorney-General Carl

20¢ each



ARROW COLLAR

FOR SPRING—A LOW ROILED FRONT COLLAR

Clown, Peabody & Co., Inc., N.Y.

ERLANGER AGAIN ON WITNESS STAND

(Continued From Page 1.)

Governor Miller, Mr. Erlanger's attorney, promptly came back with an objection to the remark, which was stricken out, with Mr. Hughes's consent, given without waiting for a court ruling.

Mr. Hughes asked whether it was not true that Klaw & Erlanger, doing business as producers and theatre owners as well, had the inside of the road as to their associates in the booking combine, to which he alluded yesterday.

"No," he said, "we did not do business that way."

Mr. Erlanger said later, in the course of the examination, that he had never taken advantage of those with whom he had done business, and that nine out of ten times they got a shade the better of it in the booking.

Mr. Hughes questioned the plaintiff about the charge of \$75,000 for liquidating Klaw & Erlanger's affairs and endeavored to ascertain whether or not the Shuberts and A. L. Erlanger intended to combine their booking interests.

"We have a friendly arrangement," said Mr. Erlanger, in answer to a question whether or not he and the Shuberts had an understanding about booking.

Then Mr. Hughes asked whether he expected the "friendly arrangements" to develop into something greater.

"I never deal in futures. Our relations are friendly," was the plaintiff's answer. Then the examiner shifted his questioning to the subject of "Ben-Hur" picture rights.

In October, 1920, Mr. Erlanger undertook the organization of a company to produce the play, but the project was, for a time, abandoned. During January, February and March, 1921, so it appeared from questions and testimony, the principals of the dissolved partnership negotiated through attorneys as to these rights. Mr. Klaw thought he could use them, but was balked by a proposal that he pay \$41,000 for use of the firm's scenery.

Finally an agreement was entered into for the sale of the motion picture rights in the old play, based upon General Lew Wallace's book, by Klaw & Erlanger, and the estate of Joseph Brooks, with one Wallace, whose full name was not mentioned in the testimony, and Harper Brothers, for \$100,000. These sale was consummated.

Questioned by Mr. Hughes, Mr. Erlanger admitted that he supplied the checks for the purchase and that thereafter a \$650,000 "Ben-Hur" picture company was organized. He received 16 per cent, or \$104,000, in stock. He denied, however, that the deal was put through without his former partner being enlightened as to his part in it, or the purchasing and production end.

"There was nothing about it that was not open," said Mr. Erlanger. The checks were passed over in the presence of former Judge Clarence J. Shearn, Mr. Klaw's counsel.

In view of Mr. Erlanger's testimony yesterday, that he knew nothing about the booking or the theatrical business, Mr. Hughes asked whether he had ever consulted his partner of more than thirty years.

"Yes," was the answer. "And didn't you take his advice?" "Only when it was good advice," was the answer.

During the afternoon session accounting records and numerous vouchers, alleged to show payment to Mr. Erlanger of interest on his excess capital, to the debit of Mr. Klaw's account, were introduced and marked in evidence. These checks were given by the firm of Klaw & Erlanger, and corresponding debits were made against Mr. Klaw. Most of them were drawn in the handwriting of Meyer Livingston, the firm's accountant, to whom Mr. Erlanger alleged his partner gave orders that such payments and debits be made.

Vouchers presented to a bookkeeper for the firm, on the stand, were said to have been endorsed for deposit by Mr. Erlanger, "per Mr. Klaw's son," who succeeded Livingston as accountant.

Before the close of the day's session former Governor Miller expressed the hope that the trial before Justice Nichols might end this week. It will be continued today.

Fuller Trial Adjourned.

Judge Charles C. Nott in General Sessions today adjourned the trial of Edward M. Fuller, on trial for bucketing stock orders, until Monday at the request of Assistant District Attorney Hugo Winter and pending the decision of the United States Supreme Court of the question of turning over the custody of the bankrupt concern of E. M. Fuller & Co. to the prosecution.

Plasterers' Trial Adjourned.

When Samuel Untermyer, in charge of the prosecution of thirty-six members of the Plasterers' Union, failed to appear before Justice Charles H. Brown in the Criminal Branch of the Supreme Court yesterday, the trial of the plasterers, at the request of Abraham Freedman, assisting Mr. Untermyer, was adjourned until next Tuesday, May 1.

Fabric Gloves

Strap Wrist

6-Inch

CROSS

Beige, lawn, corn and beaver shades.

\$1.35

The World's Greatest Leather Store

404 Fifth Ave., New York—233 W. 4th St., London—30 Regent Street.

NO VAUDEVILLE IN OUR THEATRES, SAYS ZUKOR

Famous Players Chief Denies Intention of Adding Variety Acts. Laemmle and Rowland Agree.

PAUL FULLER PATHE HEAD

Lawyer Succeeds Brunet in Pioneer Company—Mexico Invites Film Companies to Work There.

By LOUELLA O. PARSONS.

ADOLPH ZUKOR denied yesterday that his company had considered making any change in their theatres by adding vaudeville attractions. He said he had not heard of any offer being made by Famous Players-Lasky to Lucien Muratore and Lina Cavalieri or Cecil Lean and Cleo Mayfield to furnish big acts in his houses.

"The motion pictures," said Mr. Zukor, "are improving in quality and business is good enough throughout the country to make any addition in variety acts entirely unnecessary."

Harold B. Franklin, manager of the theatre department for Famous Players-Lasky, to whom Mr. Zukor referred The Morning Telegraph reporter, denied the invasion of vaudeville in the motion picture theatres in no unmistakable terms.

"There isn't an atom of truth in the report," said Mr. Franklin. "We are not adding any vaudeville acts to our theatres. In some of our houses we have musical programs, dances and solos. These are classed more as concert numbers than vaudeville acts. In the theatres where we have been supplementing our pictures with a concert program we will probably continue our policy, but you can say for Famous Players-Lasky there will be no vaudeville acts added to our program."

Carl Laemmle denounced as a ridiculous fabrication the story that has been printed and been rumored that the motion picture patrons refuse to accept their motion picture fare without vaudeville.

"You can say for me," said Mr. Laemmle, "I have heard no plans to add vaudeville to the motion picture programs, and I think if such a plan were afoot I would be one of the first to hear about it."

Richard Rowland, general manager of Associated First National, scoffed at the idea that any motion picture theatre would find it necessary to add vaudeville to please their patrons.

"When the public wants vaudeville," said Mr. Rowland, "they go to a vaudeville theatre, and when they want pictures they go to a picture house. The two are two separate and distinct things. The only time vaudeville is necessary is in a prologue when a novelty is desired."

Fuller Made President.

Paul Fuller was yesterday elected president of the Pathe Film Company to take the place left vacant by the resignation of Paul Brunet some months ago. Edmund C. Lynch, the young man to whom we called attention about two months ago as a big factor in the new Pathe organization, was elected chairman of the board of directors and a member of the directorate.

The annual meeting of the stockholders resulted in the election of the following directors: in addition to Mr. Lynch and Mr. Fuller, Elmer Pearson, W. Fellowes Morgan, Charles Pathe, Bernard Benson, Gaston Calhoun and Jansen Noyes.

The new director is W. Fellowes Morgan, who is president of the Brooklyn Bridge Freezing & Cold Storage Company.

At the directors' meeting, immediately following the stockholders' meeting, the following officers were elected: Edmund C. Lynch, chairman of the board; Paul Fuller, president; Elmer Pearson, vice president and general manager; Bernard Benson, vice president; Lewis Inzeroff, secretary, and John Humm, treasurer.

Edmund C. Lynch has had his office at the Pathe company for some months. He has been an important factor in the running of the Pathe affairs and is a member of the banking firm of Merrill, Lynch & Company. Paul Fuller, the new president, has been counsel for Charles Pathe for about fifteen years and is thoroughly conversant with the policy of the company. He is a member of the law firm of Condit Brothers. He is also counsel for the French Government and as such was decorated for the Legion of Honor. He was chairman of the Foreign Trade Committee of the Merchants' Association of New York.

Elmer Pearson, as vice president and general manager, will continue in active charge of the company's affairs.

This election is particularly interesting because there have been so many rumors as to who would follow Paul Brunet as Pathe's president.

Samuel Goldwyn's Plans.

Samuel Goldwyn having contracted to distribute his "Potash and Perlmutter" and other films through Associated First National, has now leased offices at 383 Madison avenue, and will open there for business bright and early on May 5. He will also move his family lares and general manager, A. J. S. Goldwyn, Hotel, where he has been temporarily established, to 125 East Sixty-third street, which he intends to call home.

Blyth Gets Woody's Job.

David R. Blyth, who has been assistant to J. S. Woody for the last five years, will now step into the place left vacant by Woody in the Selznick offices, that of general sales manager. Prior to the reorganization of the Selznick enterprises Mr. Blyth was assistant general sales manager, so W. C. J. Deollette feels justified in making the appointment, which seems to meet with the satisfaction of all concerned.

Dinky Dean to Be Starred.

Fortune nearly always smiles on Chaplin's proteges. The latest to win a smile is Dinky Dean, who played with him in "The Pilgrim." Dinky's good luck consists in getting a job with Universal, where he will play the leading role in "John of the Wood," the first of



MOLLY MALONE.
She will play an important part in "Little Johnny Jones," in which Johnny Hines is being starred for Warner Brothers.

the all-star special. Dinky's first starring part was chosen for him by Z. A. Stegmuller, who is the producer of the Dinky Dean productions, and it is said to be suitable for a young man of four. The story is by Abbie Farwell Brown, and is a costume drama of the fifteenth century. Others in the cast besides Master Dean are Sam De Grasse, Josef Swickard and Ethel Wales. Albert Austin will direct the picture and Douglas Doty is doing the scenario. Jackie Coogan better look to his laurels when all this is ready for the public.

Mexico Drive Being Made.

Now it is Mexico that is inviting the film companies to come there and take advantage of the fine scenery. In Los Angeles last week one Z. L. Cobb made a speech before the local chamber of commerce in which he urged that the bonds of business relations between Mexico and the United States be strengthened. One way to do this, Mr. Cobb believed, is to make pictures in our neighboring country. He says that the entrance of Ramon Samanillo, known as Ramon Navarro on the screen, has done much to promote good feeling in Mexico. Mr. Navarro belongs to a well-known Mexican family.

To Take Photo-Film With Him.

When Dr. Lee De Forrest sailed on the Paris yesterday he took his new Photo film with him to exhibit in Paris and other foreign cities.

"I am going to Paris and London and take one of the Photo films with me," he said. Gaumont and Pathe both wish to test out the film. Not only does the new idea synchronize perfectly, but the sound productions may be of any volume necessary. This means that the titles of the picture will gradually disappear and more realism will enter into their productions. Also in smaller theatres where there is no special music, the music accompanying the film will fill all the needs.

What's in a Name.

When William Shakespeare penned those classic words he didn't know about motion pictures. At least Delores Perdue believes he didn't know anything about a name because she says it makes all the difference in the world. The Film Booking Office changed her name to Ann because it is much easier to pronounce. Miss Perdue will continue to object to the change at first. True, she didn't sign any agreement, but the film company thought everything was all right until she started suit against them. She says she has been growing thinner and thinner and without the inspiration of her real name she simply cannot work. Well, we leave the answer to the judge; it's too much for us.

Choose Hines Cast.

Everything is all set for Johnny Hines to start work in "Little Johnny Jones," according to word from the Coast. The following cast has been chosen: Molly Malone, Wyndham Standing, Margaret Seddon, George Webb and Herbert Prior. This is the George Colman play Mr. Hines will bring to the screen for Warner Brothers.

Pagitt Note.

Kid McCoy, the erstwhile boxer, has joined the ranks of the motion pictures. He is appearing in "Fighting Blood," a series of prizefighting tales, which are being transferred to the screen by the Film Booking Office.

Child Born to Emory Johnsons.

A daughter was born last week to Mr. and Mrs. Emory Johnson in Los Angeles. Mrs. Johnson was formerly Edith Hall, well known on the screen, and Emory Johnson, her husband, is a well known motion picture director, so that the child's chances in the industry are 100 per cent, we should say. This makes the third child born to the Johnsons.

Brown With Universal.

Clarence Brown has signed on the dotted line and will make a series of productions for Universal. His first is "The Acquittal." Rita Weiman's play. He is the director of "The Light in the Dark" and other well known pictures. Priscilla Dean will be starred in "The Acquittal."

A Line or Two.

All of our p. a.s. have been showering coals of fire on our head. We acknowledge the nice notes et cetera that came our way after our complaint that there were no grateful p. a.s. in the world. We hope we haven't been unjust.

Broadway at 34th Street

Saks
and COMPANY

Specialists in Apparel

Important Offerings for MEN

We Are Now Featuring The Most Extensive Collection of

Men's White Pull-Over Sweaters

to be found in the City, at prices that are extremely moderate!



White Pull-Over Sweaters with long roll collars are again very popular this Spring—just as we expected! At every turn they are to be seen, worn by men who find the call of Spring sports irresistible.

Splendidly knit in genuine worsted yarn, and finished with all the care usually confined to higher cost sweaters.

Shaker Pull-Over Models . . . 10.50
Jumbo Pull-Over Models . . . 11.50

STREET FLOOR

A Remarkable Offering of Men's "Viyella" Flannel Lounging Robes

Special at 10.00

only 100 in the collection—every one an unprecedented value!

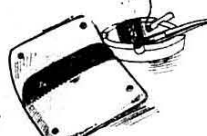
We secured these splendid robes through a very special purchase, which enables us to offer them at considerably less than the present wholesale cost!

Shawl collar models, in a host of smart Scotch plaid patterns and color combinations that are absolutely fast. Finished with three roomy pockets, three pearl buttons and silk girdle. Every robe will launder beautifully, and is guaranteed nonshrinkable. We cannot duplicate them at anything near the price of 10.00!

FIFTH FLOOR

Important Special Offering of Men's Imported Tobacco Pouches

at 1.95
Regularly sold at 2.75



Fill the pipe from one of these pouches and enjoy a real smoke! They come in brown velvet calf with strong rubber lining and rubber flap to preserve the fragrance and moisture of tobacco.

Also—Men's Imported

Cigarette Cases at 75c

—made of Morocco leather in dark green or black. Just the right size to accommodate a package of Fatimas or Camel cigarettes.

STREET FLOOR

Most Exceptional Values—

Men's Sport and Street Oxfords at 5.95

Very Smart Sport Oxfords, made of calf-skin, in champagne, cherry red, and the popular Spring shades of tan trimmed with contrasting color leather. Some have the new shield tips; others come in plain toe style. Finished with regulation rubber soles and wedge heels, or with crepe rubber soles and heels.



The Street Oxfords

are carefully made of tan or black calf-skin, in brogue or conservative models. Sizes 5 to 12.

FIFTH FLOOR

Men's Fashioned Silk Hose

—of a quality seldom identified with the low price of

79c



Japanese Thread Silk Hose, in black, white, cordovan, gray and navy. Reinforced at heels and toes with four thread lisle to insure greater serviceability. Sizes 9 1/2 to 12.

Also—Men's Seamless

Pure Thread Silk Socks

Special at 55c

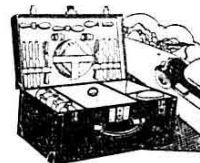
with superior quality lisle heels and toes. Colors: gray, black, navy, cordovan. Sizes 9 1/2 to 11 1/2.

STREET FLOOR

Motor Lunch Cases

will be offered today at the special price of

12.50



One of these cases will prove indispensable on that long motor trip! Fitted to accommodate six persons with knives, forks, spoons, enameled plates and cups, butter jar, large sandwich box, napkins, and adequate space for three thermos bottles. Double deck models, made of three ply basswood, covered with black enameled duck, and lined with washable, sanitary fabrikoid.

SIXTH FLOOR

LICHTMAN TRACES PARAMOUNT PLAN

(Continued From Page 1.)

cent. of the gross earnings of a picture from first run theatres.

Mr. Lichtman told of a number of places where the Famous Players-Lasky Corporation or some other large producer owning first run theatres would reject pictures offered by an independent producer on the plea that they had no open time. He mentioned theatres in various cities which, while not owned by one of the large producing companies, would use all the pictures made by one of those companies leaving on a small amount of time available to all the others.

Mr. Lichtman was questioned at length about the various exchanges were located, and the territory served by each. He was asked if he knew H. E. H. Conick, and said he had met him in 1919 when the latter had come to the office of the Famous Players-Lasky Corporation to investigate the corporation in the interest of a group of bankers who were considering underwriting a stock issue of \$10,000,000. He said Mr. Conick was shown every consideration, allowed to examine the records; that later the sale of stock was made, and, still later, Conick became chairman of the finance committee of the Famous Players-Lasky Corporation, and was still holding that

position when he left the corporation in 1921.

Bought Some Theatres.

The witness said the intention of the corporation when it secured the \$10,000,000 was to use the money to build or purchase a theatre in "key" cities of the country, where it was impossible to get advantageous contracts. He said he was not prepared to state whether all the money was used for that purpose or what percentage was so used, but knew that some of it had been put to that use.

The witness said that as general manager of the Artercraft Company he had no trouble in distributing Mary Pickford's pictures except in Philadelphia, where the Stanley Company, a booking and distributing company which owns ten theatres and controls thirty others in that territory, objected to the separate distribution of the Pickford films, urging the distribution should have been made through the Paramount corporation.

Asked how many first-class first-run theatres there are in New York City, the witness answered four, and named the Capitol, Strand, Rivoli and Bialto. "How about the Criterion?" asked Mr. Fuller.

"I would not call that a first-class first-run theatre," replied Mr. Lichtman. The witness said it adds to the value of a picture to have it shown in the first-class first-run theatres, especially a nearby territory. He said there are thirty "key" cities in the country and approximately 120 first-class first-run theatres in those cities.

NEWS OF THE SQUARED CIRCLE

By SAM TAUB.

Results Tuesday Night's Bout.

Willie Kohler lost on a foul to Pete (Reddy) McDonald, who substituted for Mickey Brown, in four rounds at Pioneer A. C.; in second twelve Jack Hattner and Frankie Edwards boxed a draw.

Frank Carbone received the decision over Tommy Robson in twelve-round at Knickerbocker A. C. Albany, N. Y. Ten-round semi-final between Sandy Taylor and Jimmy Gardner, who took the place of Joe Burton, called a draw.

Battling McGeary whipped Kid Norfolk in ten-round decision go at Armory A. A., Boston, Mass.

Nate Siegel stopped Frankie Quill in eight rounds at National A. C., Hartford, Ct.

Phinney Berle beat Lewis Hamlin in ten-round bout at Nashua, N. H., Mass.

Henry (Battling) Leonard, credited with outpointing Harold Smith in ten-round at Dexter Park Pavilion, Chicago; in two other numbers Eddie Anderson credited with defeating Eddie

Conlon and Billy Levine credited with having the better of Charlie Glaser.

Bouts Scheduled To-night.

At Norton meets Jack McFarland in twelve-round division go at Columbus Sporting Club, Yonkers, in semi-final on Billy Fitzsimmons takes on Willie Daney.

Earl Baird battles Lew Palano in ten-round division bout at Moody Club, Lowell, Mass.

Vince Coffey paired with Billy Carney in ten-round at Pittsfield A. C., Pittsfield, Mass.

Earl France tackles Pete August in twelve-round semi-final at Bridgeport, Ct.

Jay Lashman and Nate Siegel will mingle in ten-round at Town Hall A. C., Scranton, Pa.

Not a Blenheim mars the perfect appearance of her complexion. Skin troubles are effectively concealed. Reduces unnatural color and corrects greasy skin. Highly antiseptic. White-Cream-Rachel. Send 10c for Trial Size.

PERD. T. HOPKINS & SON, New York City

Gouraud's Oriental Cream

DR. PRATT, Plastic Surgeon. Face Corrections. Face Lifted, Wrinkles, Blemishes Removed. 20 West 44th St.

10,000,000 DAILY SEE FILMS IN U. S.

Lichtman Testifies in Famous Play-
ers-Lasky Suit Theaters Can
Seat 8,000,000.

PICTURES SOLD ON "MERIT"

Former Sales Manager of Corpora-
tion, Accused as Trust.
Tells of Conditions.

Alexander Lichtman, president of the Al Lichtman Corporation and Preferred Pictures Corporation, resumed the witness stand yesterday at the hearing before the Federal Trade Commission to determine whether the Famous Players-Lasky Corporation, six of its affiliated companies and six individuals constitute a motion picture trust.

Mr. Lichtman said there are approximately 14,000 moving picture theatres in the United States, seating about 8,000,000 persons, and he estimated that about 10,000,000 persons attend performances daily as conditions are now. He said conditions were not only fairly prosperous; that in 1920 and also in part of 1918 more persons witnessed the pictures daily.

The inquiry is before E. C. Alvord, examiner of the commission, at the Engineering Society's Building, 29 West Thirty-ninth street.

In connection with the examination of Mr. Lichtman a great part of the "story of the Famous Players-Lasky Corporation" was read into the record. The witness had been questioned about some features of this detailed history of the organization, its origin, development, personnel, business methods, etc., and it was deemed desirable by W. H. Fuller, counsel for the commission, to have the story recorded before Prather S. McDonald and Robert T. Swain, counsel for the corporation and affiliated companies, began their cross-examination of Mr. Lichtman.

The larger part of the morning session was taken up with transmitting the contents of most of the seventy-nine pages of the record.

Cut Contract Short.

Mr. Lichtman, taking the stand at the afternoon session, said he had a five-year contract with the Famous Players-Lasky Corporation which was to terminate in the autumn of 1921, but at his request they allowed him to leave in January, 1921. He said he was on good terms with Adolph Zukor and other officials of the company; that Mr. Zukor asked him to remain with the company and offered to increase his salary by \$50,000 a year if he would stay.

Asked about conditions in Dallas, Texas, as affecting the pictures of the Famous Players, he said a man named Hulze and others associated with him in that territory were not favorably inclined to the Famous Players pictures. He said Lynch, the representative of the Famous Players Corporation in that territory, recommended to Mr. Zukor that the Famous Players build their own theatre in Dallas.

Mr. Lichtman said that up to 1920, while he was sales manager for the Famous Players, he sold their pictures on a "star system" basis to exhibitors.

"We tried to sell the exhibitors all the pictures we had," said the witness. "In the majority of cases we succeeded, but in the very small places, of course, they could not use all, and in the cities the exhibitors wanted to be selective, but in the great majority of cases they would take all of the series."

Little Chance for Independents.

He said that in the season of 1917 and 1918 they sold 152 pictures, but did not sell the whole number to all exhibitors.

In 1920 he said the policy changed to selling an individual picture on its merits, and the agents in all districts and branches offices were notified of this effect.

Asked to state the condition confronting the independent producer and distributor as compared with the producer and distributor, who owns or controls a number of theatres, the witness said: "The small producer is at a disadvantage, for the great majority of theatres can figure fairly well on what his receipts at first will be."

E. A. Ludwig, general counsel and secretary of the Famous Players-Lasky Corporation, filed various contracts, records and statistics, which had been subpoenaed by the examiner.

The hearing adjourned to 10:30 o'clock this morning.

TOOK SCENERY FROM THEATRE, IS CHARGE

Three Held in \$10,000 Bail for
Grand Jury Action in
Queer Case.

When arraigned in the West Side Court late yesterday on charges of grand larceny, three men, who described themselves as Patrick Galvin, 24 years old, of West Thirtieth street; William Tobin, 27 years old, of Sixty-second street; and Santa Curatutti, 29 years old, of East 107th street, were held in \$10,000 bail each for the Grand Jury by Magistrate Henry M. R. Goodman.

The men are alleged to have stolen an automobile truck loaded with theatrical scenery from in front of the Colonial Theatre at Columbus avenue and Sixty-second street last Monday.

The police say Tobin admitted his real name is James Twohill and that when arrested he took the name of a friend to avoid losing his job. The name was not changed on the records when the men were arraigned, however.

THIS NOAH A KILLER.

Filled His Ark With Animals
Stuffed and Mounted.

A modern Noah's Ark, with glass-eyed animals, birds and fishes of the sea, steamed into port yesterday. She was the steamship *Panaras*, bearing 1,700 stuffed specimens for the Field Museum at Chicago. Her strange cargo was obtained by John Zimmerman, assistant curator of the museum, in the valleys and the mountain sides of Peru.

"With my trusty rifle," said Zimmerman, "I killed the animals. And the rarest bird of all called the 'lost soul.' I shot by moonlight as it raised its voice in a child-like cry."

The "peruvian legend" is that only three of these "lost soul" birds ever lived. They were the souls of babes who died in the woods. It is claimed, and their voices were the perpetuation of the children's wails.

FORTY-NINE PICTURES PROMISED BY GOLDWYN

Godsol Wires From Los Angeles De-
tails of Big Campaign
for Year.

KOHN JOINS THE WARNERS

Sing Sing Party Has Experience
With the Law After Seeing
"Within the Law."

By LOUELLA O. PARSONS.

F. J. GODSOL waited until he reached Los Angeles to give out a statement concerning Goldwyn's output for the coming season. Then he communicated with the New York office by wire to say that forty-nine pictures will be released by Goldwyn during the next fiscal year.

The Goldwyn studios will produce twenty-four, Cosmopolitan Productions will contribute fifteen and Distinctive Picture Corporation has agreed to come through with eight. "The Spoilers," the production of "The Spoilers," and the Achievement Film Company's picture of "The Magic Skin," directed by George D. Baker, will complete the program.

Mr. Godsol said, when making this announcement on the Coast, that the big Goldwyn schedule inaugurated by him added that the boom in the industry had caused all producers to look for talent, and he was glad that he had so many contracts with directors and stars in view of this demand for players.

There has been a report that Joseph Schildkraut would be starred in "The Girl from the Golden West," the picture which Edwin Carewe brought East to show at the First National convention and which he is now taking back with him.

Photo by Charlotte Fairchild.

Kohn With Warner Brothers.

Just as Harry M. Warner took the train for Los Angeles he left a note stating that Morris Kohn, motion picture pioneer, has been made treasurer of the company. Mr. Kohn will take over the executive duties while Mr. Warner is on the Coast arranging for the eighteen specials promised for next year. In addition to his position of treasurer, Mr. Kohn will be in charge of the exchange deal in the W-B Film Exchange in New York, which controls the distribution of the new series of Warner pictures in the New York State and Northern New Jersey territories. The exchange deal is said to involve a cash payment running into six figures. According to Mr. Kohn, the exchange was relinquished so that his organization could concentrate on production.

Charles S. Goetz, general manager of the W-B Film Exchange since its inception, and who by the terms of the contract becomes a partner with Mr. Kohn in the exchange, will continue in the same capacity and will be in charge of the exchange of pictures in New York, Buffalo and Northern New Jersey territories.

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GRAIN AND DRAMA UNITED BY SMITH

Playwright Organizes Corporation
to Handle Elevators and
Theaters.

GRAIN AND DRAMA UNITED BY SMITH

Business of New Concern Will In-
clude Motion Pic-
tures Also.

(Special Dispatch to The Morning Telegraph.)

HARTFORD, Ct., Apr. 26.

Grain elevators and theatres are the business of the new \$350,000 concern, Winchell Smith, Inc., which organized here to-day under Connecticut laws, with Winchell Smith, the playwright, as president and treasurer, and Arthur W. Hall of Farmington, where "Billy" Smith lives, as secretary. The other incorporators are Austin L. Barney of Farmington, and two Hartford lawyers, United States District Attorney Allan K. Smith, and Lawrence A. Howard.

A big \$100,000 grain elevator in Farmington, near the playwright's private grist mill, and large theatres in New York and elsewhere are part of the corporation's plans.

In addition, the corporation will carry on theatrical enterprises, handling all the plays now owned or being produced by Mr. Smith and plays he may produce in the future.

The corporation retains the right to produce plays in all parts of the world, and while the corporation retains the motion picture rights for the production of the Smith plays, the corporation does not contemplate the production of films as one of its chief purposes. None of the stock of the corporation is to be offered to the public, all of the \$350,000 capital stock having been privately subscribed.

PRINCESS TO USHER FOR GIRLS' CONCERT

Children From Exclusive Schools
Will Share Musical Skill at Heck-
sher Foundation To-day.

Princess Cantacuzene heads a group of society girls who are to act as ushers at a concert in the Children's Theatre of the Hecksher Foundation this afternoon.

The program is to be given by children from exclusive schools where the music method evolved by Mrs. Justine Cutting Ward is used. Children from a number of settlement houses who are taught this self-expression system of music also will take part.

The group of women sponsoring the concert is composed of Mrs. Adrian Ieslin, Mrs. Charles E. Mitchell, Mrs. Norman Ieslin, Mrs. Frederick Childs, with Mrs. Frederick W. Vanderbilt as honorary president. Tickets are on sale at the residence of Mrs. Childs, 157 East Third street, or may be had at the Children's Theatre of the Hecksher Foundation. The proceeds from the recital will be used to spread a knowledge of Mrs. Ward's music method among the poor.

The society girls who will assist the Princess Cantacuzene as ushers are Miss Ellen Mackay, daughter of Clarence Mackay, Mrs. John D. Rockefeller, Miss Moore Remick, Miss Katherine Broadhead, Miss Mildred Hays, Miss Eleanor Plogie, Miss Betty Kress, Miss Eve-ling, Miss Virginia Reynolds and Miss Emily Bushnell.

THOMAS AT CARNEGIE TECH.

Producing Managers' Head Helps
Pittsburgh College's Celebration.

Augustus Thomas, executive chairman of the Producing Managers' Association, made an address at the Founders' Day celebration of the Carnegie Institute of Technology in Pittsburgh. It was announced that he will return to his work here some time to-day.

Julian to Leave Universal.

The Los Angeles Times is authority for the story that Rupert Julian, who was called in to finish "The Merry Go Round," which was started by Mr. Stroheim, 48, leaving Universal next Wednesday. Mr. Julian has been with Universal some years—ten the Times says—and his contract has now expired.

LADY WILL SHIRE TO IGNORE SUIT

Will Not Defend Action Started by
Husband Here, She Says
in Letter.

FEARS SHE "MIGHT WIN"

Lady Lillian Maxwell-Willshire, who came to America in the Fall of 1920 to appear in Morris Gest's production of "Afghanistan," and who is now being sued for divorce in the Supreme Court of New York City by her husband, Sir Gerard Maxwell-Willshire, has forwarded from London a statement regarding her husband's actions. It follows in part:

"Upon my return to London from a theatrical engagement in Vienna I learned that my former husband, Sir Gerard Maxwell-Willshire, had arrived in New York and is suing for divorce. I thought I had divorced him in London last July, but before the decree nisi was granted, and during my absence from London, the king's proctor reopened my case, thanks to a kind maid. I shall not defend the suit, first, because I might be successful, and second, I have not the money to go to New York or pay any more solicitors."

"BETTER TIMES" ENDING.

Spectacle at Hippodrome to Close
To-morrow Night.

To-morrow will see the farewell of "Better Times" at the Hippodrome. The super-spectacle closes its run to-morrow night, having achieved 400 performances. This is the eighth spectacle produced by Charles Dillingham and conceived and staged by R. H. Burnside, the general director. The last performances of "Better Times" will doubtless be played to capacity houses, several thousand persons being turned away at last Saturday's matinee.

A Line of Two.

Freddie Dietz says a man sauntered into his office yesterday morning and speaking of high-priced film folk, mentioned the salary paid the editor of this department he understood was \$50,000. Freddie's reply was "I didn't know she worked so cheap." Editorial Note—Does he mean by the week or the month?

WIFE OBJECTED TO RUSSIAN WAY

Mrs. White, Who Obtained \$18,000
a Year Alimony, Says She
Paid and Paid.

HUSBAND LIBERAL WITH TIPS

Lives at the Gotham Hotel and
Is Member of a Leather
Goods Firm.

Supreme Court Justice James O'Malley yesterday directed Abraham White of the Gotham Hotel, member of the leather goods firm of Morris, White & Co., to pay Mrs. Sally White, his 28-year-old wife \$250 a week, or \$18,000 a year, alimony pending the outcome of her suit for a separation. Mrs. White was also awarded \$2,500 for counsel fees. Epstein & Broth are attorneys for the plaintiff.

"For all the luxuries provided by my husband I have paid the highest price in the power of woman to pay," says Mrs. White in an affidavit filed by William L. Morok of her counsel. "The best years of my life I have spent in misery and fear."

"My husband is a Russian by birth and believes that the wife in America should act and live as wives do in Russia, entirely subservient to the wishes of her husband," says Mrs. White.

Mrs. White, who asked for \$38,000 a year alimony, said she was happier when her husband made but \$50 a week. His income now, she says, is \$150,000 a year, but beatings and public humiliations are alleged to "more than offset" her family's possession of money many times over.

Mrs. White is to have custody of her daughter Elaine, 4 years old, pending the trial. The defendant being allowed to take the child out one day each week.

According to Mrs. White, her husband spent \$11,000 on a six weeks European trip. \$35,000 to furnish a home and \$18,000 for a specially built automobile and lost \$100,000 in Wall Street in four years. He carries insurance on himself amounting to \$300,000, gives \$5 tips to caddies every night and of \$100 a week to allow her \$200 a week for table expenses.

IDENTIFIES SPEEDERS, BURGLARY SUSPECTS

Held on More Serious Charge After
Being Stopped at Point of
Revolver.

After being taken to the East 104th street station on charges of speeding, four young men, alleged to have been recognized by detectives at that station as men wanted in connection with the robbery of the dress factory of Charles Lefkowitz, at 2082 First avenue, Wednesday night, locked up in Police Headquarters charged with burglary.

The men described themselves as Frank Valacha, 19 years old, of East 104th street; Anthony Diavara, 23 years old, of First avenue; Frank Lima, 20 years old, of East 107th street, and John Lanza, 22 years old, of East 107th street.

The men were caught in an automobile on First avenue near 101st street after Motorcycle Patrolmen Meyers and Wallace of Motorcycle Squad No. 2 had halted the motor car on the point of robbery. They are alleged to have been driving at forty miles an hour.

Lefkowitz's dress factory was robbed of \$5,000 worth of women's dresses on January 21 last.

GRANT CHAIRMAN OF FRIARS' COMMITTEE

Rector of Actors' Chapel Thanks All
Members Who Aided Recent
Benefit.

George Washington Grant, recent president of the Boston Nationals, was elected chairman of the new house committee of the Friars Club at the first meeting of that body on Tuesday, it was announced yesterday.

At the meeting the committee discussed the relaxation of certain house rules, the observance of which had caused general dissatisfaction among members of the club.

Father Leonard, rector of the Actors' Chapel of St. Malachy's Roman Catholic Church, on West Forty-ninth street, addressed a letter to J. Frank Stephens, secretary of the club, in which he thanked members of the organization who had taken part in the benefit at the Casino Theatre last Sunday night, it was learned. About \$7,000 had been received from the benefit, it was said, and more was still coming in.

In addition to this sum it became known that the club had received a further donation of the shape of a car for a new altar rail from E. F. Albee, head of the Keith Vaudeville Circuit. The cost of this rail had been estimated at about \$2,500.

GUIMARES PLEADS NOT GUILTY TO GUN CHARGE

Friend of Dot Keenan Denies Re-
volver Found in Bag
Was His.

Albert E. Guimares, friend of the late Dorothy Keenan, in connection with whose murder in her apartment at 144 West 157th street he was questioned by the police, through counsel, pleaded not guilty in Special Sessions yesterday on a charge of violating the Sullivan Law. Justice Henry V. Herbert, Arthur C. Salmon and A. V. B. Voorhees fixed May 7 as the date for the trial. Bail of \$2,500, fixed by magistrate Henry Goodman and which Guimares furnished, was continued. The latter was not in court yesterday and the pleading was made by a representative of his counsel, Frederick D. Goldsmith.

At the time Guimares was being questioned concerning the murder, detectives searched a suite occupied by Guimares and others at the Hotel Embassy and declared that they found a loaded revolver in a black bag. Guimares is said to have admitted the ownership of the bag but denied that he owned the revolver.

Smith named Herk Trustee.

The creditors of I. H. Herk, theatrical producer, held a meeting yesterday morning in the offices of the referee in bankruptcy, Seaman Atter, in his office on Rector street, and nominated Richard Smith as trustee.

TRACTION DEADLOCK MEANS EXTRA SESSION

Possibility of Adjustment Before May 4—Rep-
ublicans Meet Here To-morrow to Discuss Issue, Pre-
liminary to Albany Conference Next Tuesday.

By CHARLES C. POSTER.

WITHOUT an inside hint of the possibility of compromise, the belief grows that before the Legislature adjourns, May 4, an adjustment will be made of the transit deadlock affecting New York City.

The conference at Albany, beginning Wednesday night, ended early yesterday. Governor Smith does not wish to call a special legislative session, yet, if nothing is accomplished, he will issue a call just before the next city election in New York. Up to this time representatives of Mayor Hylan are firm in the demand for the passage of the Walker-Donohue bill.

In the end the Democrats may agree to a referendum clause of city ownership and operation, bus lines included, with a change in the personnel and removal of transportation commissioners, the terms of such officials to overlap the term of the Mayor, their service terminating only on a two-thirds vote of the Board of Estimate.

Mayor Hylan's bus line project is the main contention, the Democrats insisting that the city administration operate it. The Republicans say it must be under the direction of the Public Service Commission.

The five-cent fare is another obstacle. The Republicans say if the five-cent fare is not sustaining private ownership after a reasonable time suggests the only way out.

There is a well-founded rumor that the Republicans are willing to grant all demands if the Democrats will agree to a continuance of the Transit Commission.

Assemblyman Jesse, who introduced in the Legislature a substitute transit bill, will present to-morrow to the New York County Republican organization all phases of the conference discussion, including the concessions of the Democrats.

Next Tuesday he will submit his report at another conference in Albany. At that time there is a chance for a settlement.

MAYOR HYLAN and the Sinking Fund Commission received applications yesterday from the United American Steamship Line for ten-year pier leases. Dock Commissioner Deane recommended the granting of the leases for a period of ten years, at West Forty-fourth street and Pier 84, at West Forty-fourth street and the Hudson River.

The steamship company is willing to pay \$300,000 a year for Pier 86 and \$270,000 for Pier 84. The lease also contains a provision permitting the pier to be used by the United States Line, the operating company of the United States Shipping Board. The principal vessels of this company are the Leviathan, largest ship in the world; the George Washington, the America and three ships to be reconditioned—the Agamemnon, the President Grant and the four Vermonts.

After the leases were added to the calendar, Mayor Hylan moved that they be referred to the commission's committee on the American merchant marine. Hubert made the following comment: "I would like to see a little less of the dog in the manger attitude on the part of the Federal authorities. The standing order of Pier 86," said President Hubert. "I would like to see President Lasker use his influence with the War Department to get the pier cleared of the city to the city to chop off the Chelsea pier, lengthened during the war."

"We are anxious to co-operate in promoting the American merchant marine, and particularly a high-class passenger service, but I don't think the willingness ought to be all on one side."

A BID of \$48,000 a year for the rental of eight concessions for five years at the St. George terminal of the Staten Island ferry was received yesterday by the Sinking Fund Commission. This is an increase of \$10,000 a year over the present rental of \$38,000. The high bid was made by Louis D. Lewers. The offer was referred to the commission's committee of the whole for consideration.

GOVERNOR SMITH yesterday sent to the Legislature two messages, one to determine whether the emergency rent laws should be continued for another term, the other a reminder of his earnest desire to have enacted a minimum wage law.

Relative to rents the Governor wants an unpaid bond of five members to report to the Legislature. While tax exemption has stimulated building, the Governor points out, the average rent continues at \$20 per room, which, he says, is prohibitive to the working class.

Referring to the action of the United States Supreme Court in declaring unconstitutional the measure originally proposed by me, but it will at any rate create a permanent State agency to investigate and make public the facts as to the situation.

The amended bill I wish you to pass has been in force in substantially the same form in the State of Massachusetts for ten years. Its constitutionality has been passed upon favorably by the highest court of that State. It will save the District of Columbia, similar to the one he had recommended, he said.

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NO APPOINTMENT TO CENSOR BOARD

Governor Awaits Action of
Legislature Before Naming
New Member.

(Special Dispatch to The Morning Telegraph.)

ALBANY, April 26.

There is no truth in the report that Governor Smith has appointed Robert Sherwood of the New York Herald as a member of the State Motion Picture Censorship Commission, to succeed Joseph Levenson, who is still serving on the board, although his term of office expired December 31, 1922.

Information obtained at the executive chamber, from Governor Smith's private secretary, George R. VanNamen, is that the Governor at this time is not considering the appointment of any one to fill the vacancy.

Governor Smith will take no action in the matter until he knows what his position will be made of the repeal bill by the Assembly. It is now in the Assembly Rules Committee.

Should the Legislature refuse to pass the bill which would abolish the censorship board, Governor Smith then will fill the vacancy in the commission at once. Until that time he will take no action.

ACTRESS FAINTS AT COURT HEARING

Overcome as She Tells Magistrate
How Three Men Invaded
Apartment.

DIVORCE SUIT IS FORECAST

After testifying that three men had entered her apartment on the night of April 15 and roughly hooked her, Mrs. Hazel L. Baker of 15 Red Hook lane, Brooklyn, formerly a motion picture actress, and pretty, fainted on the stand yesterday in the Adams street Police Court, Brooklyn.

Mrs. Baker has been separated from her husband, Harold L. Baker of Morris-town, N. J., a banker, since January, 1921. The accused man, James H. Baker, a brother-in-law of Mrs. Baker, of 350 West 145th street, Manhattan; Louis Parker of Morris-town and George H. Young, head of Young's Detective Agency, 1450 Broadway, Manhattan, declared on the stand that they entered Mrs. Baker's apartment in search of evidence to be used in a suit for divorce which Baker intends to bring shortly.

They denied that they struck or mistreated Mrs. Baker, and were asked by Magistrate Golden, who declared that he would give his decision in the Bridge Plaza Court, Brooklyn, on May 4, after he had considered the evidence.

Hemus Sings English Program.

Percy Hemus, a favorite baritone among local concert followers, gave a recital in Aeolian Hall last evening, singing his entire program in English. Excellent diction as well as the resonant quality of his voice added charm to the program, which was selected from Handel, Beethoven, Mozart, Schubert, Hahn and other composers. Gladys Craven assisted at the piano.

WIFE OBJECTED TO RUSSIAN WAY

Mrs. White, Who Obtained \$18,000
a Year Alimony, Says She
Paid and Paid.

HUSBAND LIBERAL WITH TIPS

Lives at the Gotham Hotel and
Is Member of a Leather
Goods Firm.

Supreme Court Justice James O'Malley yesterday directed Abraham White of the Gotham Hotel, member of the leather goods firm of Morris, White & Co., to pay Mrs. Sally White, his 28-year-old wife \$250 a week, or \$18,000 a year, alimony pending the outcome of her suit for a separation. Mrs. White was also awarded \$2,500 for counsel fees. Epstein & Broth are attorneys for the plaintiff.

"For all the luxuries provided by my husband I have paid the highest price in the power of woman to pay," says Mrs. White in an affidavit filed by William L. Morok of her counsel. "The best years of my life I have spent in misery and fear."

"My husband is a Russian by birth and believes that the wife in America should act and live as wives do in Russia, entirely subservient to the wishes of her husband," says Mrs. White.

Mrs. White, who asked for \$38,000 a year alimony, said she was happier when her husband made but \$50 a week. His income now, she says, is \$150,000 a year, but beatings and public humiliations are alleged to "more than offset" her family's possession of money many times over.

Mrs. White is to have custody of her daughter Elaine, 4 years old, pending the trial. The defendant being allowed to take the child out one day each week.

According to Mrs. White, her husband spent \$11,000 on a six weeks European trip. \$35,000 to furnish a home and \$18,000 for a specially built automobile and lost \$100,000 in Wall Street in four years. He carries insurance on himself amounting to \$300,000, gives \$5 tips to

CALLS FILM WAR "DOG EAT DOG"

Witness Tells of Plans by Famous Players to Dominate Through Control of Theatres.

TO DESTROY COMPETITION

Harris D. H. Connick, Who Surveyed Field for Bankers, Testifies in Screen Suit.

The hearing now being conducted by the Federal Trade Commission to determine if the Famous Players-Lasky Corporation, six of its affiliated companies and six individuals constitute a motion picture trust, was continued yesterday before E. C. Alvord, examiner of the Commission, in the Engineering Societies Building, 20 West Thirty-ninth street.

W. H. Fuller and M. F. Farrington conducted the examination for the Commission, and Prather S. McDonald and Robert T. Swaine appeared as counsel for the corporation and its affiliated companies.

Harris D. H. Connick, of 511 Fifth avenue, who made an investigation in 1919 for Kuhn, Loeb & Co., into the motion picture industry, with special reference to the Famous Players-Lasky Corporation, was the first witness. He said he was a graduate of Stanford University and was in the employ of the Panama-Pacific Exposition.

The witness said he came to New York in 1916 and was vice president of the American International Corporation. He told of having made the survey in the fall of 1919 for Kuhn, Loeb & Co., who, he said, wanted the information in connection with underwriting a \$10,000,000 stock issue of the Famous Players-Lasky Corporation. He said the Famous Players got the \$10,000,000 with a view to investing it in theatres.

In December, 1919, he said, he joined the Famous Players-Lasky Corporation.

Asked his duties, he said:

"I went in as chairman of the finance committee and also as a sort of manager under Mr. Zukor. I had all the duties of a general manager."

He said he and Mr. Zukor had innumerable conferences over the plan to acquire theatres.

"Mr. Zukor's plan was to acquire a number of modern theatres in 'key' cities, so he could get his pictures without competition in first-run theatres in those cities."

The witness said that he left the Famous Players-Lasky Corporation in December, 1922. He said that in 1922, he feared only the competition of the First National Corporation, and said there were negotiations looking to an arrangement between the two organizations for increasing the sale of pictures.

"The primary object of these conferences," said Mr. Connick, "was to get a working agreement with the First National, or, its component parts. They wanted to make some arrangement which would do away with the competition of the companies in employing stars, buying stories, and in every way."

How Theatres Were Owned.

The witness said the Famous Players owned from 30 to 35 per cent. of the stock in the Stanley group of theatres in Philadelphia. He told of its interests in other cities, the plan generally being to buy out the owner of a theatre and then employ him as manager; or to make some arrangement which would insure the exhibition of Famous Players pictures in the theatre.

"While you were discussing these plans," said Mr. Connick, "you say to me, by working out his plans, he could dominate the motion picture industry?"

asked Mr. Farrington.

"Mr. Zukor never gave the impression that Famous Players could then dominate the situation," replied Mr. Connick, "and that his plan would give permanency to this."

Mr. Farrington read into the record the argument that Mr. Connick made before Governor Miller at Albany in 1921, urging him to veto the censorship bill which had just been passed by the Legislature.

Bought Many Theatres.

Mr. Connick said the matter of acquiring theatres came up in the Famous Players Corporation immediately after he joined them in 1919, and that all arrangements came before him sooner or later as chairman of the Finance Committee.

He said he had just consummated a deal with the Stanley Company in Philadelphia he said, at the time he joined them.

In Atlanta they got the Howard Theatre through Southern Enterprises, a subsidiary company of the Famous Players, and also acquired another theatre there. In Dallas they built a fine theatre in 1920 and 1921. In Los Angeles, 1921, they built a fine theatre and built a large theatre with a capacity of about 4,000.

In San Francisco, the witness said, Famous Players acquired three theatres, built another one and ran a daily newspaper which had a good circulation in the city and surrounding country. They made arrangements with the First National, Seattle and Spokane, by which their pictures were to be used in all the syndicate theatres.

Mr. Connick said in St. Louis the Famous Players obtained a dozen theatres of various sizes and grades and built a fine one. And later, he said, they sold the theatres they had purchased back to the same syndicate from which they had bought them.

Power of Screen for Good.

Asked whether he thought power of the screen was good or evil, the witness said: "As a matter of course the screen has a lot of power and is unquestionably one of the educational influences of the day."

Asked what would be the result if large producers should acquire fifty per cent. of the theatres in the country, Mr. Connick said that it would be a very profitable thing for the producers, but said that the independent producer would have a difficult time placing his pictures unless the picture was of superior quality. He said that the owner of the theatre, if he was a producer, would naturally use his own pictures because they would make more money for him, but said they would find time to put on a picture of an independent producer if it was exceptionally good and a sure money-maker.

On cross-examination, Mr. Connick said in reply to questions of Mr. Swaine that the motion picture business was "a very successful business."

When he said this morning that Famous Players dominated the motion

ANNA WHEATON.



She may return to the stage in musical version of "My Lady Friends."

RACHEL CROTHERS LUNCHEON GUEST

Playwright Speaks at Meeting of Woman's City Club in the McAlpin.

EFFECT OF THEATRE ON PUBLIC

The Woman's City Club was favorably represented by a large attendance at a luncheon given in the McAlpin Hotel yesterday, over which Mrs. Joseph G. Deane presided. The luncheon, under the auspices of the club's recreation committee, had as its speakers Rachel Crothers, playwright; Philip Moeller, one of the directors in the Theatre Guild and also a playwright, and Kenneth McGowan.

The principal subject up for discussion was the old one of the relationship of the theatre to the public and the effect of one on the other. Mr. Moeller, enlarging upon the work being carried on by the Theatre Guild, pointed to the fact that this organization was endeavoring in every way to bring the art of the stage to a high point of perfection and yet the public did not appear entirely satisfied with the result.

Mrs. Crothers was of the opinion that the public was bettering just what it wanted in the way of plays. When high-class plays are demanded, she explained, they can be produced, and the box office receipts show how much they are appreciated. On the other hand, when lower-class plays are demanded, they can be produced, and the box office receipts show how much they are appreciated. On the other hand, when lower-class plays are demanded, they can be produced, and the box office receipts show how much they are appreciated.

"SAFETY FIRST" CHIEF ADDRESSES FRIARS

President of League Tells Actors' Club, at Luncheon, Motor Accidents Are Preventable.

Joseph Grandahl, president of the Safety First League, addressed a luncheon of Friars at the Monastery, on West Forty-ninth street, yesterday, to explain the purposes of the league to the Friars and urge their support of its work.

Sixty per cent. of all motor accidents, according to Grandahl, are due to carelessness or negligence on the part of the driver, the other forty to similar neglect of precaution on the part of the pedestrian.

Between both causes fifty per cent. more persons were killed and injured by automobiles during the year than the United States last from exigencies of the service. That these accidents were preventable, Grandahl argued, from the fact of the safety first campaign in checking accidents in utilities and manufacturing concerns.

picture industry, what did you mean?" asked Mr. Swaine.

"I meant that compared in every way they were better than any other concern in the motion picture field," replied the witness.

"In the same way, would you say, that Caruso dominated the operatic field?" queried Mr. Swaine.

"God Almighty had a good deal to do with Caruso and he did not have much to do with the Famous Players Corporation."

The witness explained that while other motion picture companies had as good actors or actresses as the Famous Players, no single company had as many as the latter, nor did any other concern turn out as many good pictures.

In other words," said Mr. Connick, "the Famous Players group dominated any other group."

Mr. Swaine asked the witness if it was not the growing competition of the First National organization that prompted Mr. Zukor and the other officials of Famous Players to buy theatres.

The idea was to get rid of competition," said Mr. Connick, "trying to clean them right up. It was a case of dog eat dog."

The witness said the First National was not as threatening as its thousands of franchise and sub-franchise holders might seem to indicate, pointing out that only a few hundred of the theatres were large ones. He said First National had at least one theatre in every "key" city of the country.

The hearing was adjourned until Monday morning at 10:30 o'clock.

BOSTON BENEFIT FOR ACTORS' FUND

Great Bill Plays to Packed House at Colonial in Effort to Provide \$100,000 Budget.

ALL STARS ON THE PROGRAM

Even Harvard Hasty Pudding Club Appears to Help Make Annual Performance a Success.

(Special Dispatch to The Morning Telegraph.)

BOSTON, April 27.

To a capacity audience in the Colonial Theatre this afternoon the annual benefit of the Actors' Fund of America was played by a group which included every star of great magnitude within reach of the Hub. This afternoon's performance had been widely heralded in the Massachusetts city and the financial returns will go far toward completing the \$100,000 which is being raised to meet annual expenses of the fund.

The amount raised was in excess of \$7,500.

To Thomas B. Lothian, Boston representative of the Actors' Fund, great credit is due for his work in assembling the long program of talented acts which provided one of the most noteworthy afternoons in the history of the Boston theatre.

Performers who took part in the benefit were:

The Program.

Hap Ward and Sidney Greenstreet did the announcing. The overture, selections from "Minnie and Me," was directed by the composer, Harold Levy.

"Musical Moments," by the Copley-Piazza orchestra, was conducted by W. Edward Boyle. "Gaieties of 1923," by Sam Howard and Lillian Norwood, was conducted by Clarence Rogers.

"Ballroom Idolatry," by Margaret Wood and Nora Dempsey, was conducted by Mr. Rogers.

Bert Fitzgibbon and his brother Lou in "A Bit of Nonsense."

"A Good Provider" was presented with a cast including Grace Perkins, Thomas MacLaine, James Roberts, Percy Pollock and Miss Julia Brown.

The playlet, by Elaine Sterne, was staged by Alexander Leftwich.

Julian Eltinge presented "A Gorgeous Moment."

Mitzi and Boyd Marshall gave "Composition," conducted by Harold Levy, the composer.

Two scenes from "Twelfth Night" were given by the following cast: Alexander Carlisle, Elida Vaughn, Louis Prussing, Albert Howard, Helen Holcomb, Zylla Iner Shannon, Virginia Roney, Alice Roney and Gertrude Roney.

Pamela De Lour and Percy Oakes presented a dancing number.

In the cast of "The Real Thing" were Ernest Truex, Oscar Figma, Eunice Hunt, Helen Hayes, Helen Spring, Mary Halliday, June Walker, Frances Brand, Louise Prussing and Nellie Fillmore.

Al Johnson sang.

The Hasty Pudding Club of Harvard presented a scene from its production of "Take a Brace."

The following ladies assisted here: Mildred D. Browne, Mrs. Ona Brackett, Mrs. Florence Jones, Mrs. May Fiske-Hoffman, Mrs. Blanche Pollock, Mrs. Amelia Williams, Mrs. Lucy Hale, Mrs. Vivian Woodcock, Mrs. Katherine Osterman, Miss Frances Aldrich, Mrs. Barbara Aldrich, Miss Katherine Donovan, Miss Patricia Enlar, Mrs. Barbara Hastings, Miss Bertha Genniston, Miss Helen Murray, Mrs. Dorothy Manners, Miss Dorothy Stone, Miss Eleanor Sheehan, Miss Evelyn Williams, Miss Alice Williams, Miss Helen Winchester and Miss Nellie Butler.

Mrs. Lothian was hostess for the afternoon.

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Mother and Daughter Convicted of Selling Narcotics, Son to Be Tried Soon.

Mrs. Lena San Marco, 74 years old, and her daughter, Lucy, 32 years old, a cabaret singer, both of 81 Catharine street, were convicted in Special Sessions yesterday afternoon on charges of selling narcotics. They were remanded to the Tombs without bail for investigation by probation officers and sentence May 4.

The two women were arraigned and tried before Justices Henry W. Herbert, Arthur C. Salmon and A. V. B. Voorhes.

The mother and her son, Frank, 35 years old, were arrested February 20 last. The son's case was on the calendar for yesterday along with that of his mother and sister, who was arrested February 23. The son, who is out on bail of \$10,000, was unable to appear in court, a doctor's certificate being shown to prove that he was ill.

The arrests were made by Daniel Christ, John W. Reilly, Charles Graham and John McGee, detectives of the Narcotic Squad. The detectives told the justices that they had received information that narcotics were being sold at the San Marco home and that they were told that the mass word to procure heroin was "I'll Billy's friend."

Detective Christ testified that he obtained entrance to the place through the pass word, that the younger woman took him into her room and when he told her he was a doctor she handed him a package of heroin and sold it to him.

He also said that she told him that she was a nice-looking young man and that she would let him to continue.

The case was prosecuted by Assistant District Attorney Daniel Dineen. Michael Delagi, attorney for the women, informed the justice that the conviction that the son was really the principal one to blame for the trouble of the two women. The son's case was put over for hearing May 7.

Queens Band Concert.

Willis Holly, secretary of the Park Board, announced yesterday that the opening concert of Music Week for the Borough of Queens will be held Sunday afternoon, April 29, in Highland Park. The concert is to be given by the Police Band.

HYLAN'S AIM IS RELIEF IN TRANSIT DILEMMA

Higher Office Not Ambition, He Says, Charging Kees With Throwing Dust—Jesse Favors Pay-as-You-Go Bill.

By CHARLES C. FOSTER.

FIGHTING for transit relief, not for personal political advancement, described the ambition of Mayor Hyland, evidenced in a statement issued yesterday replying to reports that he is after the nomination for Governor.

Mayor Hyland said the publication of his desire to succeed to the Governorship is for the purpose of throwing dust in the eyes of the people, adding: "I am not a candidate for higher office. I intend to stay on the job as Mayor until I make the traction companies give adequate service."

"The people have expended \$300,000,000 of their own money for subways. The traction interests operate them with large profits to themselves, not even paying the interest on the bonds which the taxpayers have to pay yearly."

The Mayor repeats his promise to give the people relief in sixty days, without the cost of one dollar to them, if the Walker-Donohue transit law is passed.

Home rule, not State regulation, is wanted, the Mayor repeats, also: "If the Republican leaders do not want to give this relief they will have to take the consequences."

"Political issues are not involved," the Mayor says. "There is one issue—give the legislation and I will give New York what it wants. The traction companies and the Republican leaders are withholding transit relief from the public."

Assemblyman George N. Jesse, sponsor of the bill offered as a substitute for the Walker-Donohue measure, conferred at the City Hall yesterday with Mayor Hyland and other city officials. He talked to Julius Miller, Borough President, in the Municipal Building.

Assemblyman Jesse announced that he would recommend that the Assembly pass the pay-as-you-go amendment after the insertion of a restriction clause.

THE pay-as-you-go bill, as passed by the Senate and as it stands in the Assembly, provides that the city may issue \$15,000,000 in long-term bonds for non-revenue producing improvements each year for an indefinite period.

The project of Assemblyman Jesse is that the authorization be limited to a five-year period. This is the restriction he will place in the bill. In this form he will submit it.

Unless this amendment is passed street repairs in the five boroughs of Greater New York could not be made. Other non-revenue producing improvements, such as the building of a new city hall, which could be put out of the fund, likewise would suffer.

"Was there any suggestion of a bargain for the passage of the \$15,000,000 bill in return for concessions by the city government in favor of the transit bill?" Assemblyman Jesse was asked.

"Any such implications," he replied, "would not only do me no good, but also to the man inside," indicating Mayor Hyland.

To-day the Republican leaders will hold a conference in this city. The transit situation will receive exclusive attention. It begins to look as if a compromise is a certainty.

THE following report of the participation of Frederick A. Wallis in last night's Silver Jubilee was made last night by Charles C. Hughes, secretary to Mr. Wallis.

At the request of those having the Silver Jubilee in charge, Frederick A. Wallis has been asked to direct the drive to raise the Jubilee fund. His success in the sale of Liberty bonds, totaling \$250,000,000 in nine days during the war, his \$1,000,000 fund police day games and other achievements attest his fitness to lead the Jubilee drive.

In consenting to accept as chairman, Mr. Wallis said:

"New York is the imperial city of the modern world. The initial step in its phenomenal progress was taken twenty-five years ago when the Greater New York charter was adopted. Perhaps no single event of our day and generation has had so great an influence on the civic, financial and commercial development of the city and nation than the creation of Greater New York."

"The celebration of the creation of the modern world. The initial step in its phenomenal progress was taken twenty-five years ago when the Greater New York charter was adopted. Perhaps no single event of our day and generation has had so great an influence on the civic, financial and commercial development of the city and nation than the creation of Greater New York."

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LILLIAN KEMBLE COOPER.



Who will appear here in "The Mountebank" on May 7 at the Lyceum Theatre.

ASKS \$500,000 FOR WIFE'S LOST LOVE

Joseph Fleischman, Bath House Man, Sued by Husband of Mrs. Dorothy Hopkins.

DEFENDANT 60, WOMAN 30

Suit to recover \$500,000 damages from Joseph Fleischman for alleged alienation of the affections of 30-year-old Mrs. Dorothy Hopkins was filed yesterday in the Supreme Court by her husband, Robert Thompson Hopkins, 32 years old.

According to the papers filed in the County Clerk's office on behalf of Hopkins by his attorney, Eli Johnson, the couple lived happily together until Fleischman came into their lives in December, 1919. From then on up to the present time Hopkins charges Fleischman with improper conduct with Mrs. Hopkins.

Hopkins alleging that the acts complained of occurred at many addresses in this city, Oyster Bay, Sea Cliff, L. I., Atlantic City and other seaside resorts. The papers in the case were served on Fleischman on Monday last.

According to Attorney Johnson, his client is a former resident of New Orleans, La., and is now the vice president of the International Department Stores of America, which operate chain stores in various parts of the country. Mrs. Hopkins, the attorney said, is a former society girl of Nashville, Tenn., while Fleischman, he declared, is 60 years old and proprietor of the Fleischman Baths.

STATE'S OLDEST WOMAN
HOLDS 104TH BIRTHDAY

Mrs. Anna Clark, With Five Generations of Descendants, Says She Has Lived Long Enough.

(Special Dispatch to The Morning Telegraph.)

PEEKSKILL, April 27.

Unlike most centenarians, Mrs. Anna Clark of Lake Mahopac Village, near Peekskill, who has just observed her 104th birthday at the home of relatives, declares she feels that she has lived long enough.

Mrs. Clark, who is the mother of Emerson Clark of Lake Mahopac, is staying temporarily with relatives at Canastota. When she received congratulations and the wishes of many returns of her birthday she declared to-day that she was not worrying about how many more birthdays she would celebrate.

"I have lived long enough," she remarked.

Mrs. Clark was born in 1819 in Chatham, N. Y., before railroads were in use and when there were very few steamboats. There are five generations of her relatives living; she being a great, great grandmother.

Mrs. Clark reads the newspapers daily to keep abreast of

GREATEST
AMUSEMENT
AND
DRAMATIC
PUBLICATION
IN THE WORLD

The Morning Telegraph

RACING
FINANCE
THEATRICALS
BOXING, POLITICS
MOTION PICTURES
GENERAL SPORTS

Vol. 101, No. 121.

NEW YORK, TUESDAY, MAY 1, 1923.

PRICE TEN CENTS

THE TOWN IN REVIEW

CHAPLAIN in the army are demanding higher rank than is now given to them. My humble judgment is that a man who becomes a chaplain in order to obtain rank, high or low, has mistaken his vocation.

THE DURE OF YORK looks something like the Crown Prince did at his age, but in other respects he is all right, apparently.

NEW HAMPSHIRE proposes to impose a \$500 fine against any person trying to effect daylight saving. Well, that State is too rocky for many golf courses.

Daily Psalmistic Thought.

HIRAM JOHNSON is coming home soon to take the stump against—lots of things.

THE world is in a bad way when two women can cross the Sahara and never see a single sheik on the trip.

THE laundry workers who have approached the owners for a raise in wages and better conditions, must have forgotten that the motto of all laundries is "Treat 'em rough."

ACCORDING to the District of Columbia's chemist the talk of "diplomatic booze from embassy connections" is more diplomatic than is the booze.

SYRACUSE UNIVERSITY has forbidden matrimony to students. Browning, to the contrary, "The Ring and the Book" do not belong together, say university authorities.

EVERY man is anxious to be referred to as a great man—except by his tailor.

CHORUS girls who were called on to fight a fire on the roof of their theatre while in costume found themselves in a tight situation.

JUST as soon as the weather becomes warm enough for sleeping on park benches, the I. W. W. can be counted on to pull a strike to give its members a legitimate excuse to unleash their suppressed desires.

THE motion picture star is one who is entitled to demand being taken at her face value.

THERE is some excuse, however, when the bathing girl proclaims that, in addition to the face there are other considerations to figure.

IT is prophesied that airplanes will be as cheap as bicycles in another ten years. But they'll never be able to make one as dangerous as was the first bike I tried to ride.

THE Fascisti has restored the practice of dueling in Italy, which is a somewhat new in the circumstances.

PRESIDENT HARDING is beginning to talk like a person who has just discovered that there are men in the world mean enough to use a President, if given the opportunity.

I STOOD by and saw the Republican party split wide open at Chicago in 1912; and I have hopes for 1924.

WE seem to be approaching a period when it will require two lookouts to watch one enforcement agent.

THE cheapest form of wit is done up in a very flimsy package and in its natural state is called sausage. It does not become humorous until some and was refers to it as "hot dog."

AND now the House of David cult.

Appears disposed to plead non vult.

IT is indeed pleasing to hear that the first lecture in the new detective school was on "courtsey." Hereafter the stage and screen detective will have to change his manners.

THE chairman of a large London bank suggested that the United States and Britain co-operate in backing a loan to Germany. How did that word "Britain" get in his scheme?

STUYVESANT FISH wrote in his will that charitable bequests was a vanity. Women should be very generous.

POSTMASTER GENERAL NEW wants newspapers to be wrapped in colored coverings. There's yellow journalism for you.

SYRACUSE UNIVERSITY has banned student marriages on penalty of expulsion. That ought to be one way of dealing with the problem of cutting down college enrollments.

AN 11-year-old boy will graduate from high school in Japan. He'll probably finish college in two years. Then what will he do? Perhaps enjoy some of the play he has missed.

IS there anybody foolish enough to suppose the rum fleet would not skedaddle within an hour after receiving word that the United States navy really had been ordered to go after it?

SPEAKING of "cleaning up Coney Island," the real estate pool seems to have done it.

OF course Senator Borah doesn't consider thirty-one "best minds" equal to one super-brat, like his own.

I'VE had my hour; have you had yours?

THE difference between good citizenship and "good politics" is usually the difference between our point of view and the other fellows.

YOU have no doubt noticed that when it rains it rains alike upon the just and upon the visiting team.

THE late Senator Knute Nelson was a Republican who had the vision to recognize a good thing even when it was suggested by a Democrat, in which respect he differed markedly from not a few of his Republican colleagues.

BEAU BROADWAY.

GENERAL THATCHER HAS EASY VICTORY AT HAVRE DE GRACE

Nevada Farm's Derby Candidate Outruns His Field From Break in the Carolina Purse and Is in Hand Most of the Way; Vigil Is Second With Southern Cross Third.

GOOD CARD FOR GETAWAY DAY

J. K. L. Ross's Lion d'Or Scores Easily in the Lone Star Purse, a Dash at Three-quarters of a Mile, Leading Field of Five Veterans, With Opperman in Second Position.

HAVRE DE GRACE WINNERS.

FIRST RACE.
Jules M. \$14.00 straight, \$6.50 place, \$3.50 show, won.
Roman Girl, \$4.40 place, \$3.20 show, second.
Jackson, \$3.70 show, third.
SECOND RACE.
Tidings, \$12.40 straight, \$7.70 place, \$4.40 show, won.
Jacques, \$3.40 place, \$19.50 show, second.
Alken, \$6.00 show, third.
THIRD RACE.
Lion D'Or, \$3.20 straight, \$2.40 place, \$2.30 show, won.
Opperman, \$2.10 place, \$3.10 show, second.
Wellander, \$3.70 show, third.
FOURTH RACE.
Miss Cora, \$14.00 straight, \$10.90 place, \$5.90 show, won.
Bedy Guard, \$4.90 place, \$3.60 show, second.
Forest Lore, \$5.00 show, third.
FIFTH RACE.
General Thatcher, \$4.50 straight, \$3.10 place, \$2.70 show, won.
Sign, \$2.70 place, \$2.90 show, second.
Southern Cross, \$3.40 show, third.
SIXTH RACE.
Spugs, \$8.00 straight, \$5.79 place, \$3.10 show, won.
Bir Bang, \$11.10 place, \$5.70 show, second.
Star Reason, \$4.40 show, third.
SEVENTH RACE.
Bolster, \$4.00 straight, \$3.10 place, \$2.30 show, won.
Miracle Man, \$3.20 place, \$6.50 show, second.
Explosive, \$10.00 show, third.

By JOHN I. DAY.

(Special Dispatch to The Morning Telegraph.)

HAVRE DE GRACE, April 30. The curtain fell on the Havre de Grace racing stage this afternoon and horses, horsemen and the sport-loving public of this vicinity will flock to the Maryland Jockey Club's famous Pimlico course to-morrow. Getaway day at Havre de Grace furnished racing that was up to the fine standard that has prevailed for the thirteen days of the meeting and there was an unusually large crowd for a Monday out to see good-bye to Harford until the gates are opened again in September.

The big splash of the afternoon of sport was the appearance of the Nevada Stock Farm's Derby and Preakness candidate, General Thatcher. The General has been well played in the Winter books to win the Derby at Louisville. He performed to-day in a manner that should prove pleasing to his backers.

On a somewhat caddy track the son of Sweep and Pollatena stepped the mile and seventy yards to beat Walter J. Salome, a half-bred, by a length and a half, in 1:44.15. The Kalapa Farm's Southern Cross was third, ahead of Irish King, Tipity Wicket, Lady Myra and Bryone Day.

Freston M. Burch had gotten General Thatcher in good shape over the old Benning track and later at Pimlico. He was shipped by van over from Pimlico Sunday for to-day's outing in the Carolina Purse, which he dropped into with only 97 pounds to carry, and with this light load he was featured to be a real good thing, although there were some who thought that he had never shown any such liking for a track as that of to-day, it having failed to dry out well since the rain of Saturday.

Winner Stands Out on Look.

General Thatcher stood out on looks as Johnny Callahan, also making his first Maryland appearance to-day, paraded him to the post. When they went away from the post to a good start Lady Myra led the way to the first turn, but General Thatcher was close to her and assumed command as soon as they got around the backstretch. He went right along and opened a wide gap as they ran for the last turn and Vigil overhauled the others and tried to get the leader.

General Thatcher was well in front as he rounded the turn for home, but at the three-sixteenths pole Vigil showed a lot of speed in his efforts to catch up. Callahan merely let out a wrap and kicked his horse and General Thatcher responded like a real pacer and again increased his lead, to gallop on to the finish alone, while Southern Cross was also showing speed enough to threaten Vigil.

Those who watched the race were im-

U. S. SHIPS TO BE DRY DESPITE COURT RULING

President Harding Insists That Government Fleet Live Up to Spirit of the Law.

INTERNATIONAL TANGLE SEEN Decision Barring Liquor on Foreign Ships Within Three-Mile Limit Expected to Cause Protest.

(By United News to The Morning Telegraph.)

WASHINGTON, April 30. The Government-owned merchant fleet will continue bone-dry beyond the three-mile limit, regardless of the Supreme Court's decision that liquor may be carried by American ships on the high seas. President Harding has decided to adhere scrupulously to the spirit as well as the letter of the prohibition act. He will presently make known his intention not to take advantage of the loopholes offered by the Supreme Court.

But private owners of ships under the American flag are likely to be less conscientious. Floating bars probably will be opened in large numbers by Americans to bob at anchor just beyond the three-mile limit where they can put liquor aboard outgoing ships and take it on of incoming ships—all under the gun muzzle of the helpless rum chasers scouting along the edge of the forbidden zone. Political and international complications growing out of the court's decision Monday will be far-reaching. Briefly, it was held that no ship, American or foreign, can bring liquor within the three-mile zone, even as ship's stores sealed under bond. The court overruled a previous ruling of Attorney General Daugherty and held that American ships are free to carry liquor when outside the territorial waters, though it conceded Congress the right to regulate this traffic or to suppress it altogether.

Congress May Enact Law.

The prospects are that Congress will enact a law suppressing it and making American ships bone dry both when inside and when outside of the three-mile zone. Drys set about rounding up their forces to this end immediately upon learning of the Supreme Court's action. Wayne B. Wheeler, general counsel of the National Prohibition Association, would take such action when it is announced.

It was a confident they will be able to prevent this. This action has caused suddenly been reopened and both sides will use the question as a test of prohibition in advance of the coming Presidential campaign.

"BABE" TO PRESS CHARGE OF PLOT

Attorney for Ruth Lays Criminal Conspiracy Complaint Against Dixon Girl.

OTHERS INVOLVED, HE SAYS

Hyman Bushel, attorney for George Herman "Babe" Ruth, yesterday laid before Acting District Attorney Ferdinand Pecora charges of criminal conspiracy against Miss Dolores Dixon and others. Miss Dixon was the young woman who brought suit of \$50,000 against Ruth in the Supreme Court and who discontinued action last week. Bushel talked with Pecora for an hour. Following the conference, he said:

"I have laid charges of criminal conspiracy against Miss Dixon and others before Mr. Pecora. I will not disclose the names of the other persons involved. I have been asked by Mr. Pecora not to do so.

"We are determined to show once and for all that actions of such a vicious character as this cannot be ended by the mere discontinuance of the suit. We intend to push the criminal action to its proper limit.

"I have been instructed by Mr. Ruth to lay the entire matter before the District Attorney and to demand prosecution of the persons responsible for charging him with being the father of Miss Dixon's unborn child. I have laid the matter fully before the District Attorney as Mr. Bushel instructed me to do.

"Mr. Ruth in bringing the prosecution feels that he is not only taking the action to defend his own good name, but that he is performing a service in the interests of justice generally. It is his hope that as a result of the prosecution it will not be so fashionable in the future for such suits, unwarranted in their nature, to be brought against men who are much in the public eye and who sometimes feel that they must settle the matter by paying out money rather than submit to the publicity that results from court action whether they are innocent or not."

Bushel refused to give out a copy of Miss Dixon's retraction of her charges. He did not leave the copy of the retraction with Pecora, but took it away with him. When Bushel was asked when he intended to make public the retraction, he said:

"I will make the matter public and release it to the press when Mr. Pecora tells me to do so."

HOW SHIPS MAY MANAGE IN HANDLING WET GOODS

COMING WEST. Drink it up before reaching the three-mile limit. Drop it off at Halifax or Bermuda.

GOING EAST. Stop at the rum fleet. Maintain floating warehouse 12 miles out. Stop at Halifax and stock up going to Europe. Stop at Bermuda going south and do the same.

Leviathan to Be Dry. The Supreme Court's decision regarding American ships brought a brief moment of pleasurable anticipation to prospective tourists who envisioned themselves sailing across the sea on the giant Leviathan and other great liners operated by the Shipping Board. But it was soon learned that President Harding would continue to adhere to the spirit of prohibition. Chairman Laker of the Shipping Board, who originally insisted upon serving liquor on Government ships, contending that this was necessary in order to compete successfully with foreign ships maintaining bars, announced he would stand by the President's instructions of last October, which ordered that all ships bars be closed.

To what extent floating bars might be established along the three-mile limit for the purpose of stocking up on liquor to be transferred by lighters, and in a rough sea this would be a tedious and difficult operation. They doubt whether steamship companies would regard the extra expense as worth while. To put in at Halifax to stock up on liquor would mean a loss of twenty-four hours. Officially, however, the big steamship companies will bother to take on liquor for their eastward voyages. Small tramp steamers might do so as a means of attracting patronage.

Reprials Are Feared. Treasury officials are drafting regulations to enforce the restriction. They have neither the personnel nor the craft

(Continued on Page 5, Column 4.)

CRAIN'S INQUIRY HAS WIDE SCOPE

Judge in Investigating Rum Charges Will Hear Evidence Against Any Person.

INVITES ALL COMPLAINTS

Investigation of graft charges involving New York policemen in connection with Mullin-Gage law violations, inaugurated yesterday by District Attorney Joah B. Crain, sitting as a committing magistrate, was formally opened in Part II, General Sessions.

After an adjournment until to-morrow at 10 o'clock District Attorney Barton said:

"I shall be prepared to try any public official who may be charged as a result of the proceedings before Judge Crain within two weeks after the date of indictment."

It was 10:15 o'clock when the District Attorney appeared. Addressing the Court, he said:

"The District Attorney received April 10 from Police Commissioner Knight a request to make an investigation of certain accusations of Assemblyman Louis A. Cuvillier relative to remarks made on the floor of the Assembly April 8. Upon receipt of this letter I wrote to Assemblyman Cuvillier and have received no reply from him."

"About this time certain cases were pending in the District Court," said the District Attorney. "Certain statements were made reflecting on the police of this city. The Mayor requested the Commissioner of Accounts to take testimony and that has been referred to the District Attorney. Certain bills were pending in the Assembly and the Speaker of the Assembly requested me to handle the investigation."

"I asked 'Your Honor to take this evidence, knowing your high standing in the community and your sixteen years on the bench. Publicity has been given in this matter and I have asked all to come forward who have any information on it—'The question arose as to a magistrate, and it was thought unfair to re-

(Continued on Page 5, Column 5.)

EQUITY BROADSIDE FAILS TO DISTURB P. M. A. MEMBERS

Managers Declare Action of Equity Mass Meeting Was to Be Expected in View of Resentment Aroused Over Minor Issue of Sunday Entertainment Bill's Passage.

THOMAS REGRETS STAMPEDE

Says Actor's Work Should Be Considered More in a Ministerial Capacity and His Services Should Be Offered When They Are Most Needed by the Public.

The Producing Managers appeared yesterday neither surprised nor disturbed at the broadside launched by the Equity mass meeting on Sunday. Individual members of the P. M. A., while they regretted the precipitate nature of the breach, said that the conduct of the meeting as reported was exactly as they had anticipated and gave no cause for alarm.

Augustus Thomas, chairman of the producers, reiterated his feeling that an issue of such importance should not be subjected to mob psychology.

"As a protest against a concrete act," said Mr. Thomas, "the unanimous voice of a mass meeting is significant, but as a judicial verdict upon an intricate and critical point, it is deplorable."

Hoped to Postpone Decision.

"When I heard of the proposed meeting of the actors I expressed the hope that the delicate decision we had so long been considering might not be subjected to trial by ordeal in the heat of an indignation session."

"The resentment of the actors at the Sunday entertainment bill recently passed by the Senate is understandable if unjustified, but it is to be regretted that they should have undertaken to judge in the same spirit a vital issue between the managers and themselves, of whose merits they appear to have so inadequate a conception."

"Upon a question of such far-reaching importance they should have been allowed to go around the clock in their deliberation, and in so far as an emotional temperament permits of logic, they should have been allowed freedom to consider what is best not only for themselves but for that fabric of which they are a part as useful as they are noticeable."

"I am sorry they were stampeded by an agitator's gavel and a viva voce vote."

Mr. Thomas expressed surprise on hearing that he had been referred to as the father of the Levey bill.

Not Responsible for Bill.

"My first knowledge of the Levey bill," he said, "was after its introduction and through the public prints. I favor it naturally on the democratic principle of home rule."

"And I favor it for another reason. An Equity representative opposing the bill said to the joint committee in the hearing, 'The actors are often called the servants of the public, and as your servants we ask you not to make us work on Sundays.'"

"Except in the highest sense of the word 'service' I prefer to regard the actor's work more in a ministerial capacity, and I think his ministrations should be offered when they are most needed. As a mere union labor proposition he perhaps should have his day off when all other laborers do, but in my opinion the fact that Sunday is the day when most labor is at liberty, makes it incumbent upon the actor whose profession it is to do what he can at that time to entertain, divert, and if possible elevate his fellow men. When all other amusements are permitted under the law, I think it is regrettable that the finest and most beneficial kind, that is to say, legitimate theatre, is forbidden to address its public."

"I am against any man's being coerced to a working week of more than six days, and the Equity representatives heard me say that to the joint committee in Albany."

City Has Special Problem.

"In New York City we have a problem that is not present in the same degree anywhere else in the country. Fully 38 per cent. of the adult population of New York is foreign-born. Their entertainment and instruction is a public problem and a public duty, and I believe the actor would be worthy of very much more admiration if he would serve, as many other self-devoted professions do, at the time when he can be most useful."

"The whole question is not one of self-protection as it is one of self-devotion. I don't know any profession that needs more than the actor does the opportunity for social contact and a personal cultivation that should make him as fine a type as we can produce."

"I can't say too often that I don't think the actor should work more than six nights a week. I want to go further than

BROADWAY CROWD SEES MAN BEATEN

Women and Men Incensed When Two Alleged Detectives Kick Their Victim.

ASSAULTS FLEE THROG

Crowds leaving theatres in the heart of the Rialto late yesterday became greatly incensed when two men, alleged to have been detectives, attacked Patry Dinopol, 32 years old, of Jersey City, on Seventh avenue, between Forty-seventh and Forty-eighth streets, in front of the Palace Theatre, beat him about the head with their fists and kicked him after he had fallen to the sidewalk.

Women screamed and shouted "Shame! Shame!" at the alleged detectives and men, who crowded around, called them cowards and denounced them.

On Dinopol's complaint two subpoenas directing Jack Smith and Thomas Dolan, who have been detailed to watch speculators, to appear in court this morning on charges of assault were issued.

Dinopol said he was walking along Seventh avenue with his friend, Herman Edson, 1902 Broadway, employed at the Palace Theatre, when the two detectives walked up to him.

"What are you laughing at?" one of the detectives is alleged to have said, and when Dinopol said he was not laughing at anything the other detective struck him in the face. Before he recovered from this blow the man who had asked the question also struck him, knocking him down.

While Dinopol was lying on the sidewalk, one of the alleged detectives is said to have kicked him in the abdomen. Several hundred theatregoers, many of them women, collected about the fallen man and shouted their protest at the attack.

As the temper of the crowd was becoming aroused and threats were being made against the two alleged detectives, they disappeared down Seventh avenue. Identification on which the subpoenas were issued was furnished by Edson. Dinopol is employed at a dress factory at 180 Newark avenue, Jersey City.

THE WEATHER.

Fair with moderate winds to-day. To-morrow slightly cooler.

BIG STARS CAN ALWAYS PLACE FILMS ON B'WAY

Frank F. Baker, Producer, Admits at Trust Charge Hearing That Mary Pickford and Others Have No Trouble Distributing Productions.

That ability to please the public can bridge any obstacle placed against independent film producers in getting their pictures into first class theatres was brought out yesterday in the hearing before the Federal Trade Commission to determine if the Famous Players-Lasky Corporation and six other affiliated companies constitute a motion picture trust.

Frank Farrington Baker, president of Vitaphone pictures, on the witness stand, admitted that such stars as Mary Pickford, Douglas Fairbanks, Charlie Chaplin, William S. Hart and other leading players have no trouble getting their productions into large first-run houses without any co-operation on the part of distributing concerns. Despite contracts with large producing corporations, such as Famous Players-Lasky, these theatres are always willing to take films made by the big stars.

Mr. Baker, whose company limits its subjects to non-theatrical material, declared that the famous stars can evade the restrictions placed on independent producers through the linking up of the distribution system, because their popularity makes them certain box-office successes to any theatre. Some of them, he said, distribute their pictures themselves.

The small independent producer, however, he asserted, would have a hard time placing their films in first-run houses on Broadway.

Mr. Baker said his company did not make theatrical pictures because of the difficulty they would have in distributing them. He said an independent producer is faced by a stone wall when it comes to getting his picture in a first-run theatre.

"When you get the product of Famous Players-Metro and Associated First National locked up in the first-run theatres of the country, there is not room for much more," he said.

When Mr. McDonald, counsel for the defense, asked Mr. Baker, on cross-examination, how many theatrical pictures he had, he said "none," but he was thinking of making one from an "original scenario" by Booth Tarkington and had made some inquiries to ascertain what chance it would stand of being exhibited.

McDonald named most of the large distributing companies, but the witness said he had talked with the representatives of only two companies. He said he became convinced that the picture he had in mind would have such a hard time getting into the theatres that he advised the directors of his company not to make it. McDonald would cost on its production.

He said Nazimova's picture, "Salome,"

lay "on the shelf for several months and did not find distribution." Mr. McDonald asked him what he knew about the picture. He said he had observed that it was at least six months from the time the picture was first shown at Town Hall when it appeared in the theatres and added that a man who worked for him is friendly with Nazimova's husband, who had charge of the picture.

In May, 1920, Mr. Baker said, he was employed to go to India as managing director of an Indian corporation of the Famous Players organization. He was in India for several days, he said, before he went to India.

Mr. Baker said he went to India in 1921, at a time when the Famous Players and Metro corporations were trying to bring about some working agreement. Asked by Mr. Swaine, an attorney for the defendants, who he heard that from, he said he often went to lunch with some of the "lesser officials" of the corporation and he had heard them discussing it.

Mr. Swaine objected to this, saying, it was like using gossip and said it might have been the talk of some stenographer, who called himself "assistant" to somebody, but the examiner permitted the testimony to stand.

Tells How Paramount Formed.

Walter E. Greene, vice president of the American Release Corporation, who was a partner with Hiram Abrams in an independent distributing exchange in 1916, told of the formation of the Paramount Pictures Corporation by a number of distributors from all sections of the country, of which W. W. Hodkinson of California was elected president. Questioned by Mr. Farrington, counsel for the Commission, Mr. Greene told how in May, 1916, Adolph Zukor, the president of the Famous Players Corporation, had become dissatisfied with the way its pictures were being handled by the Paramount Pictures Corporation and the witness said he had been told by his partners, Abrams and Alexander Lichtman, that Mr. Zukor had threatened to leave the Paramount Pictures Corporation, although he had a 25-year contract with it, unless some changes were made in its policy.

The witness said that following Mr.

(Continued on Page 5, Column 5.)

(Continued on Page 5, Column 5.)

HOTELS RESTAURANTS
CABARETS

SAHARA
148-150 West Forty-ninth Street

Mayor Hylan late yesterday afternoon reappointed magistrate Bernard J. Douras as a city magistrate for a full term.

Judge Douras was appointed by the Mayor after he had been reappointed that cleanses and soothes the skin.

Ask any druggist for a 35c or 51c bottle of Zema and apply it as directed. See you will find that irritations, pimples, blackheads, freckles, blotches, Ringworm and similar skin troubles will disappear.

Zema, the penetrating, balsamifying liquid, does all that is needed, for it banishes most skin eruptions, makes the skin

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GREATEST
AMUSEMENT
AND
DRAMATIC
PUBLICATION
IN THE WORLD

Vol. 101. No. 122.

NEW YORK, WEDNESDAY, MAY 2, 1923.

RACING
FINANCE
THEATRICALS
BOXING, POLITICS
MOTION PICTURES
GENERAL SPORTS

PRICE TEN CENTS.

THE TOWN IN REVIEW

DAYLIGHT saving is all right in its way, but I wish some one could devise a way to lengthen these hours between midnight and 7:00 A. M.

IT is clear that Florida's claim to be a land of plenty is based on the fact that the State has, as the Irish would say, "Lashin's to spare."

SCIENTIFIC investigation has disclosed that the sun is 3 or 4 per cent. cooler than its average this last year. Maybe this coolness is just a solar vote on the World Court.

IF corporations continue to acquire shore front rights the time may come when we will have to go beyond the three-mile limit for a surf bath.

A WOMAN is to be hanged in Canada. In our humble judgment the poorest possible use to which the State can put a woman is to hang her, but so long as she now possesses all the privileges of a man, we see no harm in her accepting his responsibilities.

"WESTERN Potatoes Flood the Market."—Headline. Does that account for an Eighth Avenue sign offering them for sale at 12½ cents a pound, or \$7 a bushel?

THE city has adopted the maple as its official tree, which doesn't signify, however, that this is a "map" city, if you get what we mean.

A FORMER inmate of the Brooklyn Hebrew Orphan Asylum now heads a clinic at that institution. Speaks well both for the institution and for the country in which such things are possible.

THE Turks seem to have mistaken Admiral Chester for the United States Government.

A BAIL bond as a dowry is something new, but that's what a Pennsylvania man, accused of embezzlement, received with his wife.

WHAT sort of a twist is it in the brain of a fugitive that causes him to return incriminating telegrams and letters?

I CONTEMPLATE the Irish State. From here the view is simply great.

THE Germans always are willing to make a separate peace—of change.

IT is quite possible for land speculators to make Coney Island so all-fired exclusive that it won't pay dividends.

THE esteemed Tribune, which favors the Administration and a League of Nations, finds it difficult to carry Senator Borah on both shoulders.

BABE RUTH made what was probably the most gratifying home run of his career Friday.

EVERY time the administration makes a gesture some one shouts "Quick, Watson, the needle!" Then the Senator from Indiana takes a shot at the situation.

TIM LARKIN is in London, Adjacent to Hyde Park, Where oratory finds a vent—Hark, hark, hark!

By the Office Boy.

AT night before I went to bed, I failed to set the clock ahead. Which shows that I am up to date. As usual, I got in late.

WHY shouldn't city employees contribute to a jubilee celebration in honor of the city that feeds them?

THERE is said to be strong opposition in England to the Prince of Wales marrying a foreigner. It looks from here as if he will comply with the wishes of his people in part. That is to say, he will marry neither a foreigner nor anybody else.

ONE reason rural Pennsylvania and rural New York are dead set against daylight saving is because the farmer fears in some way it may be of advantage to his natural enemy and meal ticket—the Summer boarder.

"THE firmest believers in heredity are the parents of the infant prodigy."—Philadelphia Record. And the firmest believers in original sin are the persons, not parents, who have to listen to the infant prodigy.

IT is an irony of fate that the most disastrous forest fire Pennsylvania has had in years have come in the first year of the administration of Gifford Pinchot, super-forester.

IN the World War 1,846,293 Germans were slain, but not one of the dead was of the House of Hohenzollern.

NOW will you believe that prohibition stimulates crime? The Mayor of an Indiana town and fifty-five others have been sentenced to jail for lending a hand to bootleggers.

A SUBPOENA server chased an airman through the sky and served him with the paper as he landed. How many subpoenas would one have to serve before being regarded as an Ace?

PROFESSOR PAINLEVE says that the Einstein theory is a "step in the right direction." It will not be perfected probably until it becomes so recondite that nobody can understand it.

IF criticism of the Minute Men continues General Dawes is likely to start out after a non-stop expletive record of his own.

DID you know that civil war prevails and active fighting is going on in and around Canton, China? I didn't think you did.

BUT why should one person be expected to keep track of all the wars?

BEAU BROADWAY.

MANAGERS MAY CURTAIL SHOWS IN EQUITY FIGHT

Insistence Upon "Closed Shop" at Expiration of Extant Contract in 1924 Will See Production Limited to Local Theatres and Virtually No Road Companies, Is Prediction.

MR. THOMAS AROUSES IRE

Statement of Director of P. M. A., After Sunday Meeting, Sharply Criticized by Official of Actors' Organization, Particularly With Reference to Use of Expression "Mob Psychology."

A curtailment of productions by more than 50 per cent. for next season, it was disclosed yesterday, would be the answer of some of the managers if the Actors' Equity Association should stick to the "closed shop" program at the expiration of the contract with the Producing Managers' Association in 1924.

Coinciding with this decision on the part of some managers, a statement protesting against Augustus Thomas's criticism of the action of Equity members at the Sunday meeting as "mob psychology" was issued yesterday by Paul Dullizel, assistant executive secretary of the Actors' Equity Association. By applying the Equity shop policy to the Producing Managers' Association the Equity will be strong enough to successfully oppose attempts to force the actors to work seven days a week, he declared.

"One manager stated yesterday afternoon that if the Equity officials persisted in sticking to the closed shop at the expiration of the 1924 contract there would be only enough shows presented next season to fill the local theatres and virtually none of them would be projected for the road.

"It would be foolish to invest a lot of money in New York productions next season," he declared, "and then not be able to get it out the following year on the road. If there is a repetition of the actors' strike of a few years back, the road would be tied up as well as the New York houses and all our investments of the preceding year would be lost.

May Mean Long Lay-Off.

"Moreover," he added, "if there is another strike there won't be any work in the theatres for two years after. That will not only affect the actors, but the stage hands and musicians as well."

No official action has been taken in the matter and the above quoted manager's remarks were made informally. A meeting of the Producing Managers' Association for May 4, when it is expected the Equity case will be taken up.

There was no new development in the case of the N. V. A. yesterday, although it was stated in authoritative circles that this organization, a staunchly welded-together body of twelve thousand actors, would not be drawn into the Equity case. This was further accentuated by the receipt of a telegram from Fred Stone, president of the N. V. A., who in reply to a request for his opinion of the Sunday law permitting performances on the Sabbath Day, said his personal views would not be interesting since they might not be those of the twelve thousand players whose head he had the honor to be.

Cohan Has His Say.

Illuminating sidelights on the Sunday show problem were cast yesterday by George M. Cohan.

"To my mind," he said, "I think Sunday shows are bad for the legitimate theatre, except in cities where they already are established. I don't believe they would make four dollars difference on the season in New York, and further they would decrease the regular run of a show.

"In vaudeville it is a different thing altogether. There the towns in many instances produce large numbers on Sundays for the bulk of their business, and if these shows were cut out it might mean a curtailment of the salaries of the vaudeville actors, too.

Equity Answers Thomas.

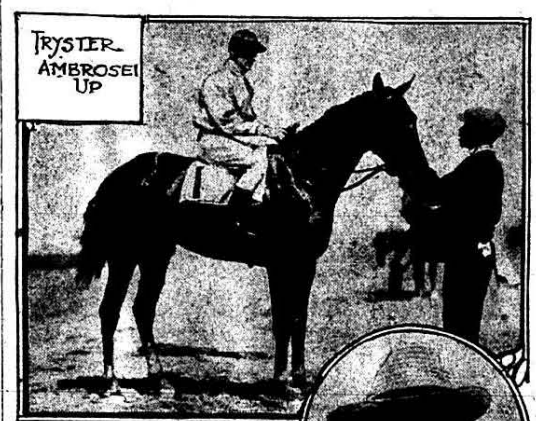
The statement given out in reply to Mr. Thomas follows:

"The reply of Augustus Thomas to the action of the Equity meeting on Sunday seems to us to be pretty weak and academic stuff, and only shows again how little Mr. Thomas knows of actual conditions and how little he appreciates the problems of the actors in dealing with the Producing Managers' Association.

"In the first place, Mr. Thomas discredits himself when he attempts to establish the assumption that the president of the Actors' Equity Association is an irresponsible agitator, for no sinner, more liberal, broad-minded, and conservative man ever lived than John Emerson has proved himself to be as president of the Equity Association during the last three years. The managers recognize this as well as the actors, and the only person

RACING COMES BACK TO TOWN WITH JAMAICA OPENING TO-DAY

PAUMONOK HANDICAP LEADER AND TWO POPULAR RACING OFFICIALS



TO BUY, NOT MAKE, 1ST NATIONAL PLAN

Rothafel, at Film Trust Hearing, Says Exhibitors Joined Only to Get Better Prices.

F. P. LASKY COUNSEL REPLIES

The Associated First National Pictures circuit was organized by twenty-three theatre owners, not as a means to exploit films of any certain make, but merely to effect a joint purchase of features, by which means a better price could be obtained than by individual buying. It was brought out yesterday in the hearing held by the Federal Trade Commission to determine if the Paramount interests constitute a motion picture trust.

Although the organization has recently entered the producing field, it was willing, according to this line of testimony, to buy any picture of worth from any concern which would sell when it was first formed. This would admit of possible offers to Famous Players and other producing units of the Paramount organization.

Samuel L. Rothafel, now director of the Capitol Theatre, who was the first president of First National, told yesterday on the stand of the reason for the firm's formation. He said the idea of co-operative buying was the only purpose of the move by the theatre owners.

This statement was questioned by Robert T. Swain, counsel for Paramount, who said that the First National intended at the time of its organization to enter the producing field.

Eye for an Eye.

When counsel for the commission objected to this line of questioning, Mr. Swain pointed out that the reason the producers, meaning the Famous Players-Lasky Company, took over the Paramount distributing organization was to meet the competition caused by the entrance of the new firm.

(Continued on Page 2, Column 1.)

DRY CHIEF TO REVISIT RUM SHIPS, BUT BY AIR

Palmer Canfield, Prohibition Director, is going to look over the "rum fleet" lying about twelve miles off shore and aiding materially in the moistening of the big city. He is going to-morrow morning.

This time, however, Mr. Canfield is not going to submit himself to the hoarse shouts (vocal) of the unregenerate off-shore and crews of the vessels engaged in producing a clearer understanding with Scotland, Ireland and France. He will not subject himself to what is technically known as the "razz" such as he received when he utilized a revenue cutter to visit the offenders on the high seas. This time he is going out on an airplane, and if any sailor wants to relieve himself of any perspiration, he will have to use the wireless. This will permit a close study of the fleet without embarrassing interruptions unless the airplane drops. In that case Mr. Canfield will be in for a pleasant time.

The plane will arise from Miller's Field, Staten Island, and will return there. It is hoped that it will return there. If the United States Army and Navy will turn over a flock of machines, Mr. Canfield says, he will use the field as an observation base.

Tryster, Winner of 1922 Paumonok, Heads Fast Field of Sprinters Who Will Measure Strides in Six-Furlong Feature Stake—Dominique and Zev Well Considered by Experts.

RECORD CROWD IS EXPECTED

Excellent Inaugural Program, Coupled With High Local Interest in Racing, Promises a Banner Throng To-day. Abundance of High Class Horses at Local Tracks.

FIELD FOR PAUMONOK.

Horse	Wt.	Jockey	Prob. Odds
Tryster	122	J. McTaggart	1-1
Dominique	123	A. Gansner	1-1
Zev	120	L. Fator	1-1
Knobbe	122	E. Sande	1-1
Snob Ind	110	C. Lang	1-1
Rock	116	E. Callahan	1-1
Brainstorm	110	C. Turner	10-1
Cyclops	104	H. Thurber	10-1
Emotion	104	H. Thurber	10-1
McKee	100	E. Taplin	20-1
Galanman	104	E. Taplin	20-1
Little Star	98	E. Taplin	20-1
The Dictator	92	E. Taplin	20-1
Shuffle Along	92	E. Taplin	20-1

*Fanciest entry.
*Doubtful starters.

By JOHN J. FITZGERALD.

New York thoroughbred enthusiasts will turn out at Jamaica this afternoon for the inaugural of what promises to be the greatest racing season in the Empire State. Never were conditions more propitious for a record year of sports. There are plenty of thoroughbreds quartered at the local tracks fit and ready to run, while many heroes of seasons past have come out of Winter quarters in superb physical condition for the stake battles immediately ahead.

For several years a mild form of influenza has held many thoroughbreds from early Spring competition. No such condition now prevails. The recent cold weather, while it retarded training in a measure, kept the horses healthy. As a whole the residents of the equine colonies at Belmont Park, Aqueduct and Jamaica are in superb condition bodily.

Interest in racing never was at a higher pitch in this metropolis. A few weeks back the talk was all of the Derby and Preakness, but now, with our own opening at hand, interest has veered about to Jamaica, the Paumonok Handicap, and other of the big events that will mark this nineteen-day season.

Paumonok Has Drawn Fast Field.

Last night the talk was all of the Paumonok, the six-furlong stake that will bring Tryster, Dominique, Zev, Knobbe, Rock, Snob Ind and many other good ones into competition. Fourteen are programmed, but several seem out of place and doubtless will default before post time.

Tryster, the ebony streak from the Westmount Stable, who hung out a track record of 1:12.5 in the Paumonok of 1922, has performance and excellent condition to recommend him in to-day's renewal. Highly fancied by horsemen and work watchers at Belmont Park, it is certain he will go to the post one of the public choices. As his final for this stake he worked six furlongs in 1:13.4 over the Belmont Park training track Sunday afternoon. It was a sharp move and with good previous trials will send him into the race ready to give his best.

The task of Tryster will not be an easy one, for he must take up 123 pounds and concede five to Dominique, a winner of six straight himself and no mean workman over the sprinting routes. He was going handsly to cover six furlongs in 1:15 over the main track at Belmont Park Saturday, and his final half in 48.5 was accomplished easily over a slow track. He is ready to give an excellent account of himself.

Zev Has Worked Well.

Then there is Zev and Knobbe, two from the Rancocas barn that have been galloping briskly. The first named appears the better of the pair, judging from his six furlongs in 1:14 at Jamaica, but he will have plenty of early opposition to-day and this will not be to his liking. His speed is well known, his stamina still doubtful. With Knobbe he worked a fast half mile yesterday for this event.

J. S. Couden, the Baltimore sportsman, will be represented by Snob II, a foreigner he purchased for a high sum last year. It appears this colt is suffering from some sort of a vascular ailment, for he cools out of his trials late in the day and apparently is as sound as ever. Since his arrival from Pimlico he worked six furlongs in 1:13.4 over the main track at Belmont Park on a Paumonok test.

The move was a good one and Mr. Couden decided to send him forth to do battle with Tryster, the J. L. Hopkins representative. There is a friendly rivalry between the two and both will

(Continued on Page 7, Col. 6 & 7.)

JUDGE CRAIN GETS M'ALLISTER CASE

Perjury Charge Is Transferred by Magistrate Corrigan at Request of District Attorney.

HIRSHFIELD TO CONTINUE

Judge Thomas T. C. Crain, sitting as a committing Magistrate in the investigation of bootlegging charges affecting the Police Department, will this morning consider the perjury case involving Detective Robert McAllister, transferred yesterday afternoon from the court of Magistrate Joseph E. Corrigan. McAllister's attorney probably will ask for a postponement of the trial.

The transcript in the McAllister case will be delivered by Richard Gibbs, assistant district attorney, in compliance with a request made by District Attorney Joseph H. Banton.

McAllister finds himself defending a perjury charge as a result of a raid he made in an apartment on Central Park West, where he snided a liquor cache. He swore he did not make a forcible entry. Several witnesses have sworn that he did.

Sends Case to Crain.

McAllister was in Magistrate Corrigan's court yesterday in Harlem, also several detectives, all expecting to testify. The Magistrate, saying he had talked with Assistant District Attorney Peckora over the telephone, repeated the message to McAllister and his witnesses in report that morning in Part Two, General Sessions, where Judge Crain will preside. Joseph Shekell, counsel for McAllister, said later that he would object to proceeding with the case to-day, as he had not read the complaint and had not prepared his defense. He said he and his client would have been willing to have Magistrate Corrigan hear the case.

Hirshfeld to Continue.

Commissioner Hirshfeld, complying with a request of District Attorney Banton to submit to him the result of all investigations made thus far of the Mul-lan-Gage law, issued the following statement:

"As a matter of courtesy, I am holding

(Continued on Page 2, Column 3.)

THE WEATHER.

To-day fair and warmer. To-morrow slightly cooler with moderate winds.

TWO DERBY HOPES FAIL IN FEATURE AT PIMLICO

R. T. Wilson's Tall Timber Easily Defeats Goshawk by Two Lengths in the Wicomico Purse and Martingale Trails 3 Lengths Behind Cochran's Colt.

By JOHN I. DAY.

BAITMORE, Md., May 1. Derby hopes were cracked, if not shattered, here this afternoon when R. T. Wilson's Tall Timber ran the six furlong of the Wicomico Purse to beat Gifford A. Cochran's Goshawk and J. S. Couden's Martingale in the order named. And Tall Timber did it easily in one minute and twelve seconds flat, while Goshawk was just as easily ahead of Martingale.

The margin that Tall Timber had to spare at the end was two lengths, while Goshawk was three lengths in front of Martingale, which was only a neck in front of Harry Payne Whitney's Gaddy to take third money. Six lengths back of Gaddy came the Suburban Stable's Scoop, ten lengths in front of M. Leroy's Persistence, and E. F. Whitney's Hot Taps in last place, ten lengths back of the sixth horse.

Richard T. Wilson, who has shown us the two fastest 3-year-olds of the Maryland Spring season, was not on hand to see the victory of the second horse to Wilderness in his string over the Cochran and Couden stars. Mr. Cochran was here and full of confidence that Goshawk would do the trick, but Mr. Couden did not come down from New York and so was spared the pain of seeing his colors fall into third place in this first outing of the horse with which he hopes to win the Derby.

The good 3-year-olds fairly flew away from the barrier to a good start and Goshawk who took the lead, went the first quarter in 22.5 seconds and when Tall Timber had run up with him they passed the half mile point in 46 seconds flat to finish the distance in the good time of 1:12, which was just four-fifths of a second off the track record of 1:11.15.

Tall Timber Shows Quality Early.

Although Goshawk, who had been reported as working faster than anything in the race, looked like a winner after they had gone the first quarter, Tall Timber had his number by the time they had turned into the stretch and when the Wilson colt had taken the lead it was all over. Martingale had been in third place, which he was unable to improve. Although Goshawk was favorite for the race, Tall Timber was a close second choice, and Martingale came in for but small support.

While the Pimlico Nursery was the

PIMLICO WINNERS.

FIRST RACE.		
Relentless	\$9.00 straight, \$6.10 place, \$3.50 show, won.	
Tropical Water	\$10.80 place, \$5.80 show, second.	
No Lady	\$2.70 show, third.	
SECOND RACE.		
Grenadier	\$21.50 straight, \$7.60 place, \$4.50 show, won.	
Pecanutt	\$4.40 place, \$2.60 show, second.	
Phoenix	\$4.20 show, third.	
THIRD RACE.		
McKenna	\$8.40 straight, \$3.00 place, \$2.50 show, won.	
Coloan	\$2.50 show, second.	
Lady Boss	\$2.30 show, third.	
FOURTH RACE.		
Yankee Princess	\$5.00 straight, \$3.70 place, \$2.80 show, won.	
Coloan	\$2.50 show, second.	
Flying Bar	\$2.40 show, third.	
FIFTH RACE.		
Tall Timber	\$10.40 straight, \$2.50 place, \$2.10 show, won.	
Goshawk	\$2.80 place, \$2.20 show, second.	
Martingale	\$2.60 show, third.	
SIXTH RACE.		
Brice	\$21.70 straight, \$16.90 place, \$11.50 show, won.	
Kagerman	\$4.70 place, \$4.40 show, second.	
Deep Thought	\$7.70 show, third.	
SEVENTH RACE.		
Travelvan	\$4.40 straight, \$4.80 place, \$2.50 show, won.	
Belphrisian	\$5.90 place, \$3.20 show, second.	
King John	\$2.30 show, third.	

stake feature on the opening program, it was second in interest to the Wicomico, which was to follow it. Scratches brought the entry list of a dozen down to eight youngsters, and Yankee Princess had caught the attention of the clockers and was a warm choice for the stake.

When they were sent away from the barrier the Griffith Farm's Elsiebeth, a daughter of Jim Gaffney and Karlione, went out in the lead, but Yankee Princess was right after her and took the lead before the turn for home was reached. Kummer sent Yankee Princess along and opened up a gap of half a dozen lengths as they rounded the turn.

In the meantime the Kenton Stable's Colonel West had started running his race and was getting close to the front at the final furlong pole Colonel West

(Continued on Page 7, Col. 3 & 4.)

(Continued on Page 2, Column 6.)



GREATEST
AMUSEMENT
AND
DRAMATIC
PUBLICATION
IN THE WORLD

The Morning Telegraph

Vol. 101. No. 123.

NEW YORK, THURSDAY, MAY 3, 1923.

PRICE TEN CENTS.

THE TOWN IN REVIEW

THE esteemed Eagle hopes there will be no sugar boycott, but being first of all a newspaper it records that there is one on.

Daily Pessimistic Thought.

ONE has to travel only two or three hours out of New York before meeting "backward peoples" who don't realize the advantages of daylight saving.

ONE thousand persons were hurt at a London soccer game because 200,000 persons tried to get where there were accommodations for 120,000. But why should 200,000 persons wish to see a soccer game.

DE VALERA might find a field for his peculiar talents, and one appropriate to his patronymic, along the Spanish Main—if piracy were not so dangerous.

THE House of David seems to have proved to be a "house of cards."

WILLIAM H. WOODIN denies that city employees have been asked to contribute to the jubilee fund. Mr. Woodin dignifies the foolish charge that never would have been made except for editorial hatred of Hyman.

AND was it anything more than a coincidence that the charge was brought while some of these same editors were in Washington formulating a "code of ethics" for the profession?

THE boy is father to the man, and this week he is going to exercise some of man's authority.

CLAUS A. SPRECKELS says there is plenty of sugar. We have found it so—at 12 cents a pound.

THE hippodrome elephants are like the Republican elephant in one respect. There is some uncertainty as to where they will be next season.

HARRY BALLARD writes that a soft answer may turn away wrath, but that it has little effect on a book agent. Who ever tried a soft answer on a book agent?

SAMUEL F. B. MORSE, whose anniversary was celebrated Sunday, was a native American, but I suppose the esteemed World would regard him as of an immigrant family.

THE public is finding it difficult to swallow the stories and the prices advanced by the sugar speculators.

THE President, it is said, is considering using the army and navy in a new liquor war. But with their numbers reduced as they are they would not be able to drink down much of the extra stock now available.

FROM our feelings at having to get up an hour early for daylight saving we can appreciate those British mourners who petitioned, "Give us back our eleven days," when the calendar was changed.

WALTER HAGEN is taking a big chance when he plans to have both the British golf title and a bride on his mind at the same time.

A BILL has been introduced to make wills contest proof. Why doesn't some enterprising member introduce a measure to prohibit freaks from being elected to the Assembly.

IT may be remarked in passing that fire precaution is quite as important to the average person as tax exemption.

I FEAR the fate, alas, of Walker's bill for dollar gas.

A CONVICTED chauffeur in Philadelphia was sentenced to read Pilgrim's Progress. His favorite character probably will be Facing-Both-Ways, as the charge was intoxication.

CHEER up. All of us will be glad when Spring comes next Summer.

IT is well to remember that the hour of daylight you save will be of little value unless you spend it out of doors.

WHILE all the chiefs of police are in session here how would it do to start a "drive" for the Dot King murderer.

IT is charged that the new Society of Minute Men, headed by General Charles D. Dawes, is a movement for the open shop, but I am more inclined to think it is a movement for the open mouth.

IF Henry Ford provides Michigan farmers with winter work at city wages I confidently predict that they will make a non-crop record the following Spring and Summer.

IF the French really wish to make the Germans angry they might send Ganna Walska on a concert tour through the Ruhr.

NO, dear reader, neither Senator Borah nor Secretary Hughes invented the gun which, if loaded for buck, will not kill a doe. They just talk the gun functions.

I CAN think of a lot of things that would be more becoming in a visiting professor than criticism of American women.

THERE are indications that the President is about to act upon the editorial advice of this newspaper and send our navy after rum runners outside the three-mile limit.

THERE is no doubt that the Mayor's proclamation has sweetened the sugar situation.

I WOULD like for some cheerful idiot to cite his authority for calling Eastern Standard schedule "God's time."

A CONTEMPORARY informs me that a man was murdered by his "widow." Did she kill his ghost.

A WRITER in the Evening Mail says, "The little red school house was all right in its day, but that day is gone." Gone, yes; like correct spelling.

THE League and John Barleycorn are two "dead" issues whose graves don't seem to be comfortable.

BEAU BROADWAY.

EQUITY TRAINS GUNS ON CHICAGO

Campaign for "One Day's Rest in Seven Legislation" Is Gotten Under Way in Middle West.

ARE "PROCEEDING CAREFULLY"

Meantime Local Managers Are Marking Time Until Their Next Meeting on May 4.

Chicago is now the center of activities of the Actors Equity Association in connection with their war on the Sunday shows.

Instructions to the Chicago representative of the organization have been issued to institute a campaign for what is termed "one day's rest in seven legislation." Already there is a blue law before the Illinois makers of statutes, but the new campaign will be waged independently. Moreover, it will be conducted along conservative lines, for the Chicago branch of Equity has wired back to headquarters in this city that he "will proceed carefully."

Sunday night is the big show night in Chicago and in many instances the productions playing that city depend largely on the receipts of the Sabbath performance. In a speech a week and the extra show on Sunday means an extra item in the salary envelope on the week.

The next meeting of the Producing Managers is set for May 4 and until that time no statement will be forthcoming from the proprietors of shows.

O. P. HEGGIE SEES ACTORS' STRIKE SOON

(Special Dispatch to The Morning Telegraph.) CHICAGO, May 2.

O. P. Heggie, who plays the leading role in "Fashions for Men," last night predicted a strike by actors before the year is out. He declared conditions as they were now in the theatrical field made a walk-out by the players very likely. Mr. Heggie made this statement in a speech at a conference of the Chicago branch of Equity.

The preference of American audiences for foreign plays was attacked by the actors. He said that commercialism in the dramatic profession is being encouraged. In making his point of the popularity of the foreign corps, Mr. Heggie mentioned the Moscow Players.

"The Moscow Art Players are excellent, but America has unappreciated talent of equal ability. He said that the existing conditions are being remedied to some extent, he said, by the Actors' Equity Association.

HAYS AND KOENIG FIGHT FOR CENSORSHIP REPEAL

Republican Leader Rushes to Albany on Eve of Battle in the Assembly.

(Special Dispatch to The Morning Telegraph.) ALBANY, May 2.

Following a report early to-night that a caucus of Republican Assemblymen had voted against a repeal of the State motion picture censorship law, it was rumored here that Samuel S. Koenig, Republican leader of New York County, has issued orders to Republican Assemblymen that they must vote for the repeal.

Mr. Koenig, it was said, was on his way to Albany, having decided to come to the Capitol to attend a conference between George K. Morris, chairman of the Republican State Committee and Speaker Macchold of the Assembly.

It is expected that the real test of the situation will come to-morrow, when Assemblyman Charles D. Donohue, the Democratic minority leader of the Assembly, will make a motion to discharge the Rules Committee from further consideration of the bill and thereby bring it out on the floor for a final vote.

Will H. Hays, motion picture head, has appealed to the Republican members to let the repeal bill come out of the committee so as to give the House an opportunity to vote on it.

ELLANGOWAN WINS BRITISH TURF CLASSIC

Lord Rosebery's Derby Candidate Takes 2,000 Guinea Stake at Newmarket.

(By United Press to The Morning Telegraph.) NEWMARKET, Eng., May 2.

Lord Rosebery's Derby candidate, Ellangowan, won the Two Thousand Guinea stake here to-day, the first of the classic flat races of the English season. Lord Woolavington's Knocknagoe was second, D'Ora's, owned by Mrs. S. W. Williams, was third.

Ellangowan paid 7 to 1. Knocknagoe's price was 25 to 1 and D'Ora's 50 to 1 to win.

There was surprise and dismay among the thousands at the race when the judges, apparently through a very simple mistake, hoisted the number of legality in second place, although this horse obviously was not anywhere near the money. After a long delay they discovered that they had posted the wrong runner-up and substituted the number of Knocknagoe.

GREAT ASSEMBLY GREET'S THOROUGHBRED AT JAMAICA

ZEV'S WINNING STRIDE.

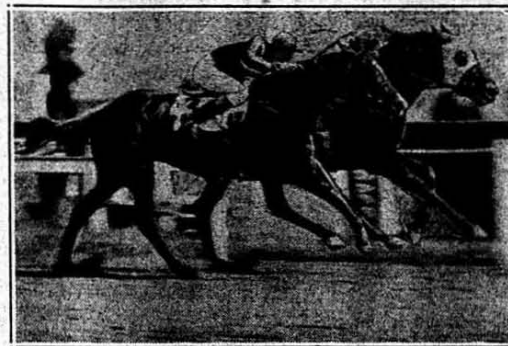


Photo by C. C. Cook.
Ranococas Derby Hope Speeds to Victory in the Pannonek, Leading Dominique by a Head.

EASY TO GET SHOWING, WARNER BROTHERS SAY

General Manager for Independents Tells of Exhibiting in All Key Cities—W. L. Sherry Recites Losses.

W. L. Sherry, vice president of the Paramount Pictures Corporation, owner of a motion picture exchange in New York City, told yesterday at the hearing now being conducted by the Federal Trade Commission to determine if the Famous Players-Lasky Corporation, six of its affiliated companies and six individuals, constitute a motion picture trust, how after the Famous Players secured 51 per cent. of the stock of Paramount Pictures by giving Famous Players stock in return for the Paramount picture stock, he had lost through his connection with the Famous Players Corporation stock estimated to be worth \$800,000.

Sam Morris, general manager of Warner Brothers, producers and distributors of motion pictures, brought a list of the feature pictures his company has released since September 1, 1918, and this was placed in evidence. He said his firm had no great trouble in having its pictures exhibited in first-run theatres in practically all the "key" cities, but when asked by Mr. Farrington what first-run theatres in New York City exhibited them, he mentioned only the Capitol and the Strand, neither of which are under the control of Famous Players.

Competition for "Main Street." In reply to a question of Robert T. Swayne, of counsel for the Famous Players Corporation, he said there is a good deal of competition among the exhibitors for the privilege of exhibiting "Main Street," a new picture which has been released, but is showing under a pre-release contract at the Mission Theatre in Los Angeles.

John M. Quinn, general manager of Vitaphone, Inc., also filed a list of the feature pictures they have released since September, 1918. He said Vitaphone, Inc., has only been distributing the pictures produced by or for the Vitaphone Company of America until recently, but now they distribute pictures of other producers. Replying to a question of W. H. Fuller, of counsel to the Commission, the witness said that the "flu" epidemic in 1918 and 1919 cost the theatre a great deal of money and seriously interfered with the motion picture industry for a time.

Mr. Sherry said that the Paramount Pictures Corporation stock was selling at 80 at the time the deal was made with the Famous Players. That he was the largest stockholder in Paramount, and that at this price this stock was worth \$800,000.

He was given stock in the Famous Players Corporation, he said, and it was agreed that he was to have a contract to distribute the Famous Players pictures. He said some of the others connected with Paramount did get contracts for various territories. He mentioned one who received \$1,000 a week and 2 per cent. of the gross.

Mr. Sherry said he never got his contract. The Paramount was taken over by Famous Players in 1915. Mr. Sherry said that several weeks following that he received no compensation, but afterwards

Picture Was Failure.

M. T. Farrington, of counsel to the commission, asked the witness how the picture turned out.

"The picture never grossed over \$5,000, if that," said Mr. Sherry. "I had been obliged to borrow the \$100,000 from the Irving National Bank, and had put up my Famous Players stock as collateral on it. I was obliged to sell my stock to pay the loan and at this time the Famous Players discontinued paying dividends and the stock fell so low, I had to dispose of it at 22 to 30, at a great loss."

After he was brought to the home office he saw that they were trying to get him out of the exchange he had formerly owned and had been running, and he resigned from the Famous Players Corporation and opened another exchange, "The Woman," and Adolf Zukor, who had been with him, was asked by Mr. Farrington whether he ever spoke to Mr. Zukor about the contract he had been promised after leaving the Famous Players.

Had to Borrow \$15,000.

"I spoke to Mr. Zukor on several occasions about it," he said, "telling him I had been cheated out of my contract. A few months ago I was entirely without money and I went to Mr. Zukor and told him that I needed money badly and he said he would put it up to the board of directors. They loaned me \$15,000, but not until I had signed an agreement waiving all claim on the Famous Players Corporation, the Cardinal Film Company, which had produced the picture, 'The Woman,' and Adolf Zukor. I had to sign the agreement to get the money. I paid interest on that loan, but I have been unable to do that recently and I still owe them the \$15,000. They cancelled my note for \$25,000 which I gave at the time I purchased the picture."

When Mr. Sherry completed direct examination counsel for the Famous Players Corporation stated that he did not desire to cross-examine and he was excused.

FULL SELECTIONS WILL BE FOUND ON PAGE 12.

FAIR PLAY'S ONE BEST

(AT JAMAICA.)

DAVID HARUM

SHARPSHOOTER'S ONE BEST

(AT LEXINGTON)

BET MOSIE.

Ranococas Derby Hope Races His Way to Victory, Leading Allies Stable's Dominique by Narrowest Margin at the Finish of Six-Furlong Feature of Excellent Card.

BETTER LUCK WINS SIXTH

Benjamin Block's North Star 3rd Colt, Rated Behind the Pace to the Stretch, Pluckily Wrests Lead From H. P. Whitney's Fly by Day in Final Sixteenth and Is Going Away at the End.

WINNERS AT JAMAICA.

FIRST RACE.
Reply 5 to 1 straight, 2 to 1 place, even show, wdn.
Domestic 2 to 1 straight, 1 to 1 place, 6 to 1 show, second.
Lucky Play 5 to 2 straight, even place, 2 to 1 show, third.

SECOND RACE.
Beard Robin 1 to 1 straight, 5 to 1 place, 7 to 1 show, won.
Rococo 2nd 1 to 1 straight, 5 to 1 place, 5 to 1 show, second.
Metal 15 to 1 straight, 6 to 1 place, 1 to 1 show, third.

THIRD RACE.
Sue Donovan 11 to 10 straight, 2 to 1 place, 1 to 1 show, won.
Humorist 4 to 1 straight, 2 to 1 place, 3 to 1 show, second.
Insatiable 4 to 1 straight, 7 to 1 place, 3 to 1 show, third.

FOURTH RACE.
Zev 13 to 1 straight, even place, 1 to 1 show, won.
Dominique 9 to 1 straight, 5 to 1 place, 1 to 1 show, second.
Gallant 4 to 1 straight, 6 to 1 place, 7 to 1 show, third.

FIFTH RACE.
Master Hand 2 to 1 straight, 2 to 1 place, 1 to 1 show, won.
Stunt King 4 to 1 straight, 6 to 1 place, 1 to 1 show, second.
Wynona 4 to 1 straight, 1 to 1 place, 1 to 1 show, third.

SIXTH RACE.
Better Luck 6 to 1 straight, 5 to 1 place, 6 to 1 show, won.
Fly 32 to 1 straight, 5 to 1 place, 4 to 1 show, second.
Ossiper 6 to 1 straight, 5 to 1 place, 4 to 1 show, third.

After Harry Sinclair's Zev, a pretty brown streak of a colt by The Finn—Miss Kearney had raced his way over the six furlongs of the Jamaica track yesterday afternoon to win the Pannonek Handicap by the narrowest of margins from Dominique by the Allies Stable, Richard T. Wilson smiled as if he had won a race. Mr. Wilson's smile was occasioned by the reflection that he still has nothing to fear from any of the 2-year-olds seen so far, when it comes to the running of the Derby, even though Zev has been quoted at a shorter price than the Wilson Wildcatter for the rich Kentucky classic.

It was the opening day of the racing season around New York, and there was an assemblage of lovers of racing that crowded the course of the Metropolitan Jockey Club long before the bugle blew for the first race of the season on the real circuit that had started to last night October 31. Everybody was on hand from August Belmont, chairman of The Jockey Club, to the boy who sweeps out the grand stands at a shorter price than that there was much sweeping to be done at the end of the day.

Thoroughbreds Welcomed.

There were those who had gone through a whole Winter's season of racing, along with many who had started with the Eastern opening in Maryland, but most enthusiastic of all was the man who had waited long and patiently since late last Autumn for the thoroughbred to come back to the home grounds. Some were saddened to learn that a few old timers were missing since the season passed, but for the most part these who were out were kept busy shaking hands and renewing acquaintances with the regulars they had been meeting for many years.

It was a perfect day that the Weather Man handed out for the opening and Johnny Edwards must have found him up handsomely with the trifling of the track, for there were not even the customary wind that blows over the Jamaica course at all was off the glowing effects of sunshine that all those who had the outing enjoyed, while the clouds were kind enough to let the sun's rays break through at the end of the day.

Of course each and every race was enjoyed from start to finish, but the real interest was for the Pannonek, which brought out a fine crowd, including two good sprinters as the Westminster Stable's Tryster, J. S. Cowden's \$85,000 Snob 2nd, on which a wager was made during the Winter that one would beat the other the first time they met.

It was learned before the race when Mr. Cowden, owner of Snob 2nd, and Mr. Replido, owner of Tryster, had called of the wager, and both gentlemen were as much interested in knowing what the 3-year-old Zev would do, as they were in the decision of supremacy between their own older horses.

Zev Leads All the Way.

It was Zev and nothing but Zev all the way. The son of The Finn and Miss Kearney took the track at the rise of the barrier, but was quickly and seriously threatened by Harry Payne Whit-

(Continued on Page 9, Column 4.)

MOVE TO CUT OFF 'RUM ROW' SUPPLY

Customs Men Make Test Case of Two Captured Boats Taking Fuel to Bootleggers.

PLAN TO STARVE THEM AWAY

For several months the United States Customs has been seeking an opportunity to put to a test whether or not tug or other small craft supplying boats in the rum fleet with provisions or supplies are guilty of violation of the prohibition law. Tuesday night the revenue cutter Seneca, in command of Ensign Albert Martinson, ran down and captured the tug Alex Clark, which had just completed supplying the rum boat Robert Arthur with a supply of provisions, and the motor launch WCE, which had on board 11 1/2 drums of kerosene intended for the British schooner Katherine Mary. Both vessels and their crews were brought to the Barge Office.

Yesterday the captain of the Alex Clark, John A. Dyresten, a representative of the Reliable Towing and Transportation Company of No. 11 Wall street, who was on board the tug, and five members of the crew, as well as Captain Joseph Manning of the WCE, were all taken before Edward Barnes, Assistant Solicitor of the Customs, on a charge of conspiracy to violate the prohibition law. Following informal questioning the prisoners were sent to the United States Commissioner for a preliminary hearing.

Command Mathison, who said he represented the Reliable Towing and Transportation Company, said that he was requested by the Leo Towing Company to handle the transportation of the groceries and foodstuffs to the Alex Clark and that he and the crew of the Alex Clark met two men, Fred Nelberg of South Orange and Leo Kapelos of Newark, N. J., at Pier 37, North River, late Tuesday afternoon and loaded on the provisions.

Nelberg and Kapelos were also arrested on the Alex Clark and were represented before Assistant Solicitor Barnes by Louis Jersawit of No. 2 Rector street, who protested against the arrest of these men without a warrant.

Captain Joseph Manning of the WCE said that he had made three trips in all out from New York to locate the Katherine Mary and that he had been offered \$100 by a man who did not give his

M'ALLISTER TRIAL OPENED BY CRAIN

Witnesses Testify Door to Room Where "Zit's" Liquor Was Kept Was Forced by Detective.

ORAL COMPLAINT ACCEPTED

When the investigation into charges of police liquor graft was resumed yesterday afternoon before Judge Thomas C. T. Crain in General Sessions, sitting as a committing magistrate, after an adjournment to permit the preparation of a new complaint in the action against Detective Robert McAllister on a charge of perjury, Assistant District Attorney Ferdinand Pecora informed the Court that the complaint had been prepared as directed but none of the witnesses in a position to do so "had indicated a desire to file it."

The action against McAllister grows out of a hearing before Magistrate Joseph E. Corrigan in West Side Court April 30, when the detective appeared as a witness against Charles F. Zittel, theatrical publisher, charged with violation of the Mullian-Gage act, after having raided Zittel's home the preceding day.

McAllister denied at that time he used force to gain entrance in conducting the raid and the charge of perjury was ordered by Magistrate Corrigan after other witnesses testified to the contrary.

Mr. Pecora explained to Judge Crain that the law gives the District Attorney no power to require or secure the verification of a complaint. This being the case, he said, he asked the Court to proceed on an oral complaint to conduct the inquiry and take testimony under the powers granted by Section 82 of the Inferior Criminal Court Act.

The only alternative to this course, Mr. Pecora said, was to present the evidence directly to the Grand Jury, and the District Attorney's office, he said, preferred to have the hearing a public one because of the prominence the case had been given. He asked Judge Crain to proceed to take evidence after he had made an oral complaint and to determine after hearing the evidence whether or not a full complaint should be taken against McAllister.

Zittel was in court. In reciting the events which led up to the charge of perjury preferred against McAllister Mr. Pecora said that he had received his information from the records

(Continued on Page 2, Cols. 1 & 2.)

THE WEATHER.

Continued fair and cooler to-day and to-morrow.

MAKES THREATS TO ROCKEFELLERS

Assyrian Crank Arrested After Bothering Family for Week and Demanding Money.

HE IS SENT TO HOSPITAL

Shouting "he has sold out my country" and that "Rockefeller and the Bolsheviks are responsible for all the trouble in the world" and "We'll all be dead in half an hour," an Assyrian silk worker was arrested after a struggle with two detectives in front of the home of John D. Rockefeller, Jr., 10 West Fifty-fourth street, yesterday.

The man described himself as George Murad, 39 years old, of 88 Sixth avenue, and was sent to the observation ward at Bellevue Hospital. Mr. Rockefeller, Jr., and many residents of the neighborhood witnessed the struggle with the man, on whom were found the addresses of the Rockefeller city and country homes and how to reach the Rockefeller estate at Tarrytown.

According to Mr. Rockefeller, Murad has been hanging round his home for more than two weeks, meeting him on his way home and in the morning. Mr. Rockefeller says that he regarded him for a time as one of the many harmless cranks who bother him, but when the fellow became importunate he notified the police.

Sunday afternoon Mr. Rockefeller was returning alone from services at the Fifth Avenue Baptist Church and was turning the corner of Fifty-fourth street in front of his father's home when Murad accosted him and talked in such a rambling manner that he thought he had better invoke the aid of the police. He refused to be shaken off by Mr. Rockefeller, following him into the vestibule of his home, and was ejected only after a lively battle with the butler, and a private guard that Mr. Rockefeller always has in his home.

Monday morning a uniformed policeman was placed in front of the Rockefeller home. Servants saw Murad at the usual hour, but he slunk away when he noticed the uniformed policeman. No effort was made to capture him, Mr. Rockefeller declaring that he wanted to avoid publicity and that he hoped to get rid of the fellow without having him arrested.

Tuesday, May Day, in addition to the uniformed policeman there was stationed in front of the Rockefeller home a department automobile in which were seated Detectives Joseph Appel and Pat-

(Continued on Page 2, Column 7.)

MISS LARRIMORE GETS JURY TRIAL

Correspondent in Farrar-Tellegen Divorce Wins Her Appeal.

JUDGES ARE UNANIMOUS

Decide Not According to Constitutional But Statutory Right to Defend Her Good Name.

The Appellate Division of the Supreme Court yesterday reversed the Special Term order denying a jury trial to Stella Adler, known on the stage as Stella Larrimore, correspondent named by Geraldine Farrar in her suit to divorce Lou Tellegen, and decreed that a jury trial be had. As a result, unless an appeal is successfully taken, the hearings which have been in progress in the Farrar-Tellegen suit before a referee will be nullified and the entire issue of the defendant's guilt or innocence, involving that of the correspondent will go before the jury. Louis B. Brodsky appeared before the Appellate Court for Miss Adler and Samuel Untermyer for Geraldine Farrar. The defendant, Tellegen, was not represented.

The Appellate Court acted unanimously. Justice Victor J. Dowling, writing his decision, said:

"I am of the opinion that the correspondent in a divorce action is sufficiently a party to the action (certainly being made so by the issue affecting her) to entitle her to a jury trial under the provisions of Section 1149, Civil Practice Act. The Legislature has wisely extended the right to a correspondent to defend her good name, which otherwise might be at the mercy of a collusive suit between wife and husband.

Is an Adverse Party.

It has carried this right to the extent of permitting it to be exercised at any time up to the entry of final judgment. "If a defendant, charged with violation of his marriage vows, chooses for reasons of his own not to defend the innocence of one charged to have been guilty with him, and she steps into his place to controvert those charges, as against the plaintiff, she certainly becomes the adverse party to the action, and is entitled to a jury trial. Nor is that right destroyed even if the defendant contests the action.

"Nor is the delay which a plaintiff may be subjected to an answer to the application. She had the power to avoid the delay by serving a copy of the complaint upon the correspondent at the outset of the action."

Supreme Court Justice James O'Malley denied the motion below.

Justice Dowling reviews the facts of record in the proceeding, setting forth that the correspondent is alleged to have been indiscreet in her associations with the defendant each day from the 4th to the 11th of September, 1921, inclusive, and on the 17th and 18th of that month at 730 Riverside Drive.

Notice Served.

"On March 28, 1923," says Justice Dowling, "the correspondent voluntarily appeared herein and caused her attorney to serve a notice of appearance in her behalf. A copy of the complaint was served upon her attorney, and thereupon, on March 28, 1923, she made a motion asking for a jury trial of the issue of adultery against her, submitting two questions for decision by a jury: 1st, as to alleged misconduct at 730 Riverside Drive, and second, as to acts alleged to have occurred 'at or about Riverside Drive and 118th Street.'"

Justice Dowling notes that "the correspondent makes no explanation whatever of her delay in seeking to intervene in the action, or in demanding a jury trial of the issues of adultery with her. He says, however, that in his opinion the application must be decided as a matter of right and not of discretion, and concludes that while the correspondent has no constitutional right to a trial by jury, she has a statutory right."

FINE FOR UNMUZZLED DOGS IS RAISED TO \$5

Jan. Terms Threatened for Second Offenders by Magistrate Oberwager.

Magistrate Charles A. Oberwager, in West Side Court yesterday, severely reprimanded twenty men and women brought to court for failing to keep their dogs muzzled. He said that he had been notified by the police that the dogs were being taken to the pound, and that he had been forced to sell his business. He pointed out that two other charges made by the police, conducting a disorderly house and maintaining a public nuisance, had been dismissed in Special Sessions.

Prosecution Officer William Conners reported that Cushman was a man of good personal reputation and had never been in any trouble previously. He said that Cushman had sold the cafe a few days after his conviction on April 20. The Justices, yesterday, paroled Cushman in the custody of his counsel until May 18.

Miss Colt Returns.

(By United News to The Morning Telegraph.) MONTCLAIR, N. J., May 4.—Miss Elizabeth Colt, 22-year-old esthetic dancer, for whom a nation wide hunt for her disappearance Monday, returned to her home here to-night.

SMOKERS IN THE COURT BRAVE CONTEMPT CHARGE

The Commercial Frauds courtroom was filled with smoke yesterday, but the hand of Magistrate George W. Simpson remained quiet and no disorderly conduct was charged. The court was in the air, but it was only for precedent and not for the defendant. The defendant was in order. The defendant was in order. The defendant was in order.

5 BIG INDEPENDENTS SAY THEY RELEASED ON B'WAY

Film Heads Declare They Succeeded in Getting Bookings in First-Run Theatres Here. Lichtman Recalled to Stand.

A number of prominent film producers testified yesterday that they had no trouble in releasing their pictures in first-class Broadway theatres at the hearing being conducted by the Federal Trade Commission to determine if the Famous Players-Lasky Corporation and six affiliated companies constitute a motion picture trust.

Among those who declared they were able to get their productions in first-run theatres were Al Lichtman, president of Preferred Pictures Corporation, who was on the stand for the second time during the hearing; Elmer Pearson, vice president of Pathe Exchange, Inc.; Paul N. Lazarus, sales manager of United Artists (releasing films of Mary Pickford, Douglas Fairbanks, D. W. Griffith and Charlie Chaplin); Winfield R. Sheehan, general manager of the Fox Film Corporation, and Robert H. Cochran, vice president of the Universal Pictures Corporation.

Mr. Lichtman produced a list of the pictures he had released since September, 1918, and said that of the thirty-three pictures his company had handled in this period, ten had been shown in the first-run theatres in this city. His company had released pictures for the Associated Producers, an organization of independent producers, he said.

Cross-examined by Robert T. Swaine, counsel for the Famous Players, Mr. Lichtman testified that the Strand and the Capitol do not depend entirely on the quality of the pictures they show, but that the size of the theatre, the management, the music and so forth help largely.

Bad Films Lose Clients.

The witness considered, however, that if a theatre persisted in showing bad pictures or pictures of an inferior quality, it would probably lose its clientele. He said motion picture theatres today are superior to those of 1919.

The witness said he offered a picture, "The Girl Who Came Back," to Dr. Hugo Riesenfeld, manager of the Rialto and the Rivoli theatres. The latter wanted a guarantee of \$18,000 a week, and he thought the risk was too great, especially as he would have to pay for the advertising, and he did not accept the offer. He said the advertising would have cost him about \$3,000 a week.

Elmer Pearson, vice president and general manager of Pathe Exchange, Inc., said that now they are confining themselves to short subjects, such as current news and special pictures. He said that in 1921 they distributed ten feature pictures, all of which were shown in first-run theatres in the United States. He classified the Capitol, Strand, Rialto, Rivoli and Criterion as the first-class first-run theatres in New York City.

Mr. Pearson said the construction, location, house policy and the quality of the pictures shown figure in the reputation of a first-run theatre. He said that the quality of the pictures shown in the United States is superior to that shown in other countries.

"Reasonably Good Quality."

In answer to a question of Mr. Swaine, on cross-examination, the witness said:

that the pictures produced by Goldwyn are "reasonably good quality," as are those of Associated First National and Famous Players-Lasky Corporation. He said that, as an average, perhaps, the Famous Players put out the best pictures.

Paul N. Lazarus, sales manager of the United Artists Corporation, said his company distributed the pictures of Mary Pickford, Douglas Fairbanks, D. W. Griffith and Charlie Chaplin, known as the "Big Four." He said these stars produced their own pictures. He said they have not yet distributed any of Charlie Chaplin's pictures as he has been under contract with the First National, but from now on they will distribute them. He said they also released some of the Mack Sennett comedies, and had put out a couple of foreign pictures.

Winfield R. Sheehan, general manager of the Fox Film Corporation, said that his concern produces and distributes pictures, distributing only its own productions. He submitted a list of the feature pictures they had made and distributed since September, 1918. He said they had, "generally speaking," shown their pictures in the first-run theatres of the United States. He has been a general manager of the corporation since January 1, 1914. Mr. Sheehan said that the First National started in 1916 and 1917, and soon became an important factor in the film industry. He said the large distributing companies now in the field are Famous Players, Universal, Metro, Fox, and the Vitaphone.

Had Many in Broadway.

Mr. Sheehan said the picture "Over the Hill" had a showing for more than a year on Broadway in six theatres. "The Queen of Sheba," "The Connecticut Yankee," "A Little Child Shall Lead Them," "A Village Blacksmith," "The Town That Forgot God," "Checkers," "Evangeline" and other pictures produced by the Fox company were mentioned as having had a Broadway showing. He said that since 1920 the company had a policy of selling "star series" of pictures. Now, he said, they sold pictures on their individual merits.

The witness said the Fox Film Corporation does not own any theatres in the country, but that an independent company, which William Fox is president, owns thirty-five or forty theatres throughout the United States. He said the Fox Film Corporation is building two theatres now, one in Philadelphia and one in Oakland, Cal. Louis Rosenblatt, manager of the exchanges for the Fox Film Corporation, said that he had tried very little to get his pictures into the Rialto and Rivoli theatres. He said that at first he tried, but was told that those theatres had no "open time."

Robert H. Cochran, vice president of the Universal Pictures Corporation, produced a list of feature pictures which he also sold to first-run theatres in the United States. He said the Universal Corporation owns ten or twelve theatres in the United States. He said that the company distributes pictures which his firm had produced and told where they had been exhibited.

CUSHMAN GIVEN A CLUBWOMEN IN WORKHOUSE TERM CONVENTION HERE

Greenwich Village Cafe Proprietor Will Appeal From Thirty-Day Sentence.

OUT ON OWN PAROLE

Robert Cushman, the former Greenwich Village cafe proprietor, who was convicted of allowing Anna Sinko, a 15-year-old girl, now in the custody of the Children's Society, to frequent the restaurant he formerly operated at 160 West Fourth Street, thereby impairing her morals, was yesterday sentenced to serve thirty days in the Workhouse. Operation of the serving of the sentence was suspended until May 18 to enable Thomas P. McLaughlin, counsel for Cushman, to apply to the Supreme Court for a certificate of reasonable doubt. Assistant District Attorney Frank E. Carstairs agreed to this arrangement. The sentence was imposed by Justices John J. French and George J. O'Keefe, while Justice Daniel E. Murphy, who presided, voted to set aside the verdict, but also having voted for Cushman's acquittal.

Mr. McLaughlin, in asking for leniency for Cushman, claimed that his client had been persecuted by the police, that his dance hall license had been taken away and that he had been forced to sell his business. He pointed out that two other charges made by the police, conducting a disorderly house and maintaining a public nuisance, had been dismissed in Special Sessions.

Prosecution Officer William Conners reported that Cushman was a man of good personal reputation and had never been in any trouble previously. He said that Cushman had sold the cafe a few days after his conviction on April 20. The Justices, yesterday, paroled Cushman in the custody of his counsel until May 18.

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CLUBWOMEN IN CONVENTION HERE

Storm Over Indorsement of Harding Court Plan Is Averted by Mary Garrett Hay.

URGE MORE POLICEWOMEN

With recently elected officers in their chairs, the New York City Federation of Women's Clubs met for its sixty-first convention yesterday in the grand ballroom of the Hotel Astor, where several lively discussions were indulged concerning questions of the day that came up for discussion. For instance, when a resolution endorsing President Harding stood on the International Court of Justice was presented it was met with a storm of applause intermingled with hissing and the confusion was added to when Mrs. Olive Stott Gabriel protested that the name of ex-President Wilson was not included. She was finally ruled out until called to order by the chair.

Mary Garrett Hay, always the diplomat, threw oil on the troubled water by stepping in to the breach and reminding the 2,000 women present that they were non-partisan although every one was allowed individual opinion. The resolution was adopted.

The convention, which has for its slogan this year, "On Guard America," adopted a resolution presented by Mrs. William C. Agnew, urging the maintenance of the United States as well as the protection of the nation from revolution, and also urged the United States to take action to protect the nation from revolution.

A resolution approving the granting of a salary of \$45,000 to the members of the building the City Federation of Hotel has been raised in a recent drive.

Six-minute speeches concerning the training of children were made by Dr. William Black, Miss Katherine Devereux Blake, Miss C. C. Martin, Mrs. James L. Laidlaw, Mrs. Woodall Chapman, and Josephine Daskam Bacon and Rachel Crothers talked of plays and plays. Mrs. Elizabeth Johnson, violinist, Miss Beatrice Van Dyke, pianist, and Ruth Blackman Rodgers, soprano, accompanied by Doris Nichols, furnished music, and Mrs. George Washington Ochs-Oakes discussed the censorship of books.

MRS. BLACKTON RETURNS.

Mrs. J. Stuart Blackton, wife of Commodore Blackton, vice president of Vitaphone, and three children, the Misses Marion and Violet Virginia and young son, Charles, returned to their home on the Mauretania. They have been spending a month in Paris. Mrs. Blackton, who designed all the costumes for the Vitaphone picture productions, "The Glorious Adventure" and "The Virgin Queen," starring Lady Diana Manners, and "The Tiger Cavalier," featuring George C. Scott, had been collecting for the material and purchasing rare books on costumes for Commodore Blackton's forthcoming Vitaphone productions.



Producer, composer and playwright who will give at least twelve beauties of Valentino contest places in "The Vanities of 1923," which will run this summer.

CARROLL TO PICK TWELVE BEAUTIES

Producer-Composer to Give Valentino Contestants Chance in Summer "Revue."

WILL CHOOSE THEM TO-NIGHT

Earl Carroll, composer, playwright, theatre builder, theatre owner and producer, is one of the busiest theatrical men in all New York, but Mr. Carroll has consented to help make the big Valentino exhibition of dancing in the Seventy-first Regiment Armory to-night as big a success as he can, not only by taking part, but by offering contracts to a number of the girls who appear there.

The proceeds of the Valentino contest go to Miss Anne Morgan's committee that is doing such good work for the Relief Fund for Devastated France and the Maternity Center Association of New York.

Earl Carroll has announced that he will attend the Valentino contest to-night and select thirty-six of the prettiest girls and have them report to him in the Carroll office in the Earl Carroll Theatre Building at Seventh Avenue and Fifth Street at 3 P. M. sharp. Monday, May 7, and Mr. Carroll will select from these thirty-six girls not less than twelve and give these girls contracts for his Summer musical show, "The Vanities of 1923," which he is now producing in association with Alexander Lettich.

Mr. Carroll when a youngster was a program boy in a big Pittsburgh theatre. He was always musically bent and, having a literary mind with a natural inclination to write songs, he soon began composing numbers that brought him international fame. One hit after another had the world whistling Earl Carroll's melodies.

The best remembered of Mr. Carroll's musical comedy scores are "So Long, Letty," and "Canary Cottage." The musical hits of both these productions are still being sung and played throughout the country.

Later he undertook the writing of plays and produced "Jim's Girl," "Daddy Dimples," "The Lady of the Lamp," "Bavon," etc.

As a testimonial to his success these stands at the corner of Seventh Avenue and Fifth Street the new Earl Carroll Theatre.

Mr. Carroll has just announced the production in association with Alexander Lettich of a big musical show, "The Vanities of 1923," which is planned for Summer run on Broadway.

In personally appearing to-night at the Seventy-first Regiment Armory Mr. Carroll will make possible the gratification of the ambition of many of the ambitious girls among the Valentino contestants to appear in his next musical production.

SILK THEFT SUSPECT HELD FOR HEARING

Goldstein Charged With Driving Off Truck With \$64,000 Worth of Goods.

Charged with being the man who on May 1 made away with a truck and \$64,000 worth of silk from in front of a restaurant at Twenty-ninth Street and Madison Avenue, Isidore Goldstein, 23 years old, of East Eleventh Street, was held without bail in the Yorkville Court yesterday morning by Magistrate William A. Sweetser for examination next Monday. He pleaded not guilty.

A truck which was the property of William Siskner & Sons, silk merchants, at Fourth Avenue and Seventeenth Street, was lost in a place, according to the detectives, Goldstein was charged with suspicion of grand larceny on a short exhibit of the detectives.

ASSEMBLY CRUCIFIES HOPES OF DEMOCRACY

Gov. Smith Says "Republicans Must Make Good to Corporations"—Minority Leader Donohue Amazed at Boldness of Foes.

In the closing hours of the New York Legislature Governor Smith said, "The Republicans must make good to the corporations that fill the party chest; it's their way of paying off."

Governor Smith's platform, his pledges, his efforts, collapsed with the finish of the 1923 sessions.

The Republican forces, led by Speaker H. Edmund Machold, of Jefferson, crucified the aspirations of the Governor and the democracy.

The Democratic desire to reorganize public utilities in the State and in New York City, reorganize the State government in the interest of economy and business, repeal film censorship; in fact, all of the progressive steps it had planned to fulfill promises and the expectations of the voters, went down in one helpless mass.

Assemblyman Charles D. Donohue, minority leader, said: "Take the Bourbons of old, the Republican bosses have learned nothing and forgotten nothing. It seems beyond belief that, in the teeth of what happened last election day, the Republican Assembly would dare wind up this session with all our public utilities firm in the grip of the predatory corporations, with our water power resources still the white hope of private monopoly, with direct nominations unrestored, and the evil domination of the Prudential Public Service Commission unabated. But it is the fact."

"The Assembly Republicans for the most part refused to discuss the Governor's measures on their merits, and stolidly voted down my motions to bring them out upon the floor for consideration."

There was in the Board of Estimate yesterday another verbal combat. Comptroller Charles L. Craig was not present. The participants were Mayor Hylan, Murray Hulbert, President of the Board of Aldermen, and Alderman Martin J. Healy, Democrat, representing the Nineteenth District. A request for the appropriation of \$50,000 to make surveys, borings and plans for the proposed tri-borough bridge connecting Manhattan, the Bronx and Queens, precipitated the controversy.

Mayor Hylan, opposing the structure at this time, said city transit should be given the public. He would not be a party to it, he explained, in creating the impression that the bridge is to be built soon, "when, as a matter of fact, it cannot be built for years."

Deep feeling for a few moments was displayed by the three officials. The Mayor told Alderman Healy to keep quiet. The Alderman said he would not, however, the Mayor summoned Lieut. Edward Quinn, on duty in the Mayor's office, commanding him: "Step over to that man and see that he remains orderly."

"You'd do as you like," retorted the Tammany Alderman, "but I'll speak as much as I like."

Again Mr. Hulbert demanded that the entire matter be deferred. Again Mayor Hylan informed him caustically that his motion was denied.

Mayor Hylan's declaration: "Real estate speculators are not going to force me to play into their hands. I want to serve notice to this effect, right here," he said, "that the bridge is not to be built."

"All right," shouted Mr. Hulbert, "if the cry of speculators is to be made against the tri-borough bridge, we'll show some people where Harlem stands. We'll find out who are interested in the Ninth Street bridge."

The resolution shown by Mr. Hulbert caused the Mayor to lean over in his direction. Chuckling, he said: "Don't get sore, Murray, because you got licked. There was no reply."

The omission of Woodrow Wilson's name from a preamble which was a part of a resolution favoring the acceptance of the International Court of Justice caused a mild explosion yesterday at the sixty-first convention of the New York City Federation of Women's Clubs, at the Hotel Astor.

Comment and cross-comment, "Oh," "No" and a few hisses ceased when Mrs. George Washington Ochs-Oakes, who was acting as the president, said: "The name of Woodrow Wilson is not to be included in the preamble."

Mayor Hylan has refused to accept the resignation of Dr. Charles Norris, chief medical examiner of the city. The doctor is displeased because his department lacks operating expenses. Dr. Norris has been in the service since 1904.

LIEN LAW IS EXTENDED TO FILM LABORATORIES

Assembly Passes Bill Which Was Enacted by Senate Last Week to Safeguard Business.

(Special Dispatch to The Morning Telegraph.) ALBANY, May 4.

Senator Myer Levy's bill, which proposes extending the provisions of the lien law to motion picture laboratories, which passed the Senate last week, was passed in the Assembly to-day. The bill now goes to the Governor. Its purposes are to give corporations or persons engaged in the business of developing, assembling or reproducing motion picture films, a lien on such positive or negative prints in their possession until the payment for money due.

UNION OF FORCES IN MUSIC STUDY

American Orchestral Society Joins With Philharmonic and Board of Education.

MARKS NEW ERA IN TEACHING

Plan Is to So Standardize Tutition That School Orchestras Will Develop Talent.

Clarence H. Mackay, chairman of the board of directors of the Philharmonic Society of New York, announces that the Philharmonic Society, the American Orchestral Society, under the presidency of Mrs. E. H. Harriman, and the Board of Education of New York City, have combined their forces for the purpose of carrying out systematic plans of musical education in the public schools of the city of New York.

The Philharmonic Society in New York has during the past year, upon its own initiative and with the support of a number of generous guarantors, presented an educational scheme which included five concerts at City College, five concerts in Carnegie Hall, five concerts in Cooper Union, four concerts in the Commercial High School in Brooklyn, and single appearances at half a dozen of the most important universities and colleges in New England and the nearby territory. In addition to this, it has maintained a series of lectures, given by men of the orchestras, at the University Settlement. It is the plan of the Philharmonic Society to continue, as possible the concerts above outlined, in addition to the work further planned under the new affiliations.

Affiliation to Broaden Work.

The American Orchestral Society has in past years maintained an orchestra for the education of your orchestral musicians and for the purpose of further orchestral education in the public schools by means of concerts and lectures. By the affiliation with the Philharmonic Society, Mrs. Harriman comes chairman of the educational committee of the Philharmonic and as member of its board. The work of the educational committee will be continued as heretofore for the education of your musicians in that institution, but it is a first opportunity, providing their ability warrants, to fill vacancies existing in the personnel of the Philharmonic from year to year.

With the combination of these two organizations under the directorship of the Philharmonic Society, and the educational committee under the direction of Mrs. Harriman, it has been found possible to combine educational work and it was felt desirable to have a systematic plan of co-operation with the Board of Education be adopted.

The purpose of this systematic plan of education in the public schools is two: To raise the standard of qualifications of conductors of the high school orchestras, and to raise the standard of student players.

In order to accomplish this result, it is proposed that musical programs composed of education in the public schools, of the director of music of the Board of Education, for high school orchestras to study, are to be made the subject of discussion of the conductors of the conductors of the high school orchestras, provided over by the conductor of the Philharmonic, the assistant conductor of the Philharmonic, and the musical director of the American Orchestral Society. All points relating to the technique of the conducting or the interpretation of the compositions of these programs may be discussed.

At this conference the professional teachers of the American Orchestral Society, of the first men of each section of the Philharmonic, and the first men of the high school conductors the right bowing and phrasing for the strong choir, the right phrasing and dynamics, and tongueing, and the phrasing, dynamics, tongueing, and all technical problems concerning the percussion sections will be discussed. In other words the high school conductors of each section, the professional men of each orchestral section, will be given from their practical teaching data to be used in the training and conducting of the high school orchestras.

Standard of Performance. In order that the students of the high school orchestras may be further educated musically in orchestral routine and ensemble playing a standard of performance must be established for them. This is to be accomplished by group practice of all sections of the orchestra. The first year of the high school orchestras may be brought to a level of performance numbering not more than fifty players.

The professional concert master of the American Orchestral Society (a professional musician, experienced and go over each phrase of the composition which is being rehearsed, and mark the bowing and the phrasing, thereby unifying the orchestra, and the first violins of all the high school orchestras.

This is also done by the professional teachers of the second violins, viola, cello and double bass sections, and the brass and percussion groups are likewise taken in hand by the professional teachers, and the phrasing, dynamics, tongueing, etc., rehearsed and marked in the parts.

It is planned for the several conductors of the high school orchestras to be present at these sessions, to listen to the rehearsals and thereby verify and confirm the work that they have done in the conductors' conference.

Intelligently, a survey of the orchestral condition of the high schools is being made. This will enable the carrying out of a comprehensive plan of educational help without loss of time or effort.

It is inevitable that in the public schools a large proportion of students will be listeners and not performers. In order to educate them to listen to orchestral compositions and to enable them to become familiar with orchestral music and orchestral instruments it is planned to have a series of lectures, given by general instruments of the orchestras, illustrated by players from either the school orchestras or from the American Orchestral Society or the Philharmonic.

Conferences of the high school teachers of music will be held so that these lectures may be presented in standard form. After the various programs and instructions have been studied the programs will be played by the orchestra of the school in question or by the orchestra of the American Orchestral Society.

After a series of lectures, the same program performed in Carnegie Hall, the Philharmonic Orchestra as the final step in the education of these young students.

This educational plan is being undertaken without any possibility of financial return and for the students' benefit and it is made possible only by the generosity of those patrons of orchestral music who are interested in matters of musical education sufficiently to contribute to the cost.

BABE RUTH TO AWARD PRIZES AT DOG SHOW

Will Appear in Person to Aid Benefit for Leake and Watts Orphan House.

For the benefit of the Leake & Watts Orphan House, the French Bulldog Club of America will hold its annual specialty show at the Waldorf-Astoria Hotel this morning. Because of the interest in charitable work for orphans, Babe Ruth has offered two special prizes and has informed the management that he hopes to be present in the evening to award them in person.

The show has attracted the pick of French bulldogs from all sections east of the Mississippi, and the region west of the Mississippi, and the region of Texas, entered in the class for champions, given at this show this year for the first time.

McGehee went to Stephenson's room and Stephenson admitted he had taken the door and missing articles and intended to hold them until McGehee made good the \$2. McGehee used a curtain for a door temporarily, but at 5 A. M. he was at the West Forty-seventh Street police station with a charge of burglary against Stephenson.

When McGehee told his story to Magistrate Charles O. Oberwager in West Side Court yesterday the court had to rap for so loud was the laughter.

"What do you think the stolen stuff is worth?" asked the court of Detective Walsh.

"I wouldn't give a nickel for it," said Walsh, which caused a verbal explosion from McGehee, who said that he valued the hat alone at more than \$100 because of its memories.

On Stephenson's promise to put the door back and restore the hat and other articles he was allowed to go free.

GREATEST AMUSEMENT AND DRAMATIC PUBLICATION IN THE WORLD

The Morning Telegraph

RACING FINANCE THEATRICALS BOXING, POLITICS MOTION PICTURES GENERAL SPORTS

Vol. 101, No. 128. NEW YORK, TUESDAY, MAY 8, 1923. PRICE TEN CENTS.

THE TOWN IN REVIEW

THE SUN DIAL asks: "When everything is censored, who will censor censorship?" And we answer, all of us, in chorus, the Censor!

"WADE HAMPTON ELLIS, former Attorney General of the United States, indulges in a flight of true, old-fashioned Southern oratory at Hot Springs, Arkansas, this week. . . . The appeal to sectionalism and race is outworn."

WADE ELLIS was a good newspaper reporter in his day, but he never was Attorney General of the United States.

AND just why the former Republican Attorney General of Ohio and former Chairman of the Republican State Committee of the Buckeye commonwealth, a native of a Cincinnati suburb, should make a fire-eating Southern speech and appeal to race prejudice, we do fail to understand.

PERHAPS the esteemed Globe is thinking of Wade Hampton and not Wade Hampton Ellis. If so, we assure our contemporary that the picturesque South Carolinian it has in mind is very dead.

A LIST has been compiled supposed to include America's twelve most distinguished women—and not a marathon dancer in the lot.

"EGGS are cheap."—News Item. All values are relative. We have seen the time when 4 cents each would have been considered high.

WHY shouldn't a president indulge in propaganda if he wish to do so? If there is a man in the country who could have views and express them, it is he. That is propaganda.

I DO not live in old Louisiana; If I were there I'd die in pain; With not a thing on earth to grieve; Oh, spare me from that town Louisiana.

AS I understand it, W.H. Anderson will use his adverse influence with Governor Smith in the matter of the dry repeal.

DOES it mean anything to you that dandelions are now in bloom?

AS between an 8-cent fare and an obstinate Mayor, many persons prefer to ride for a nickel.

MARJORIE RAMBEAU has gone to Europe to take a "nerve cure" after a season of Shakespeare. I have known actors in my time who should have taken a "nerve cure" before attempting Shakespeare, but this, of course, does not apply to Miss Rambeau.

HENRY FORD says he never really tried for wealth, which explains to me why I retain my own modest bank account.

THE latest news from Memphis suggests that the name of the Saunders corporation should be Piggy Arigley.

A WOMAN litigant showed the judge her knee as evidence. Maybe that's the object of some women who show their knees at the seashore.

THE stage never will be fully set until some Lucy Stone apostrophe sues her husband for alimony.

IF sugar takes another slump, We'll give ourselves an extra lump.

IT seems that it is impossible to hold Clara Phillips without hitting her on the head with a hammer.

GOVERNOR SILZER may be a candidate for the Presidency, but it is plain he is not out after the woman vote.

NEITHER "Mother Jones" nor Carrie Nation is in the list of America's greatest women.

AND how did they come to overlook Beatrice Fairfax?

A BOY has written to Governor Smith to ask him how the motion picture bill is going to help him, since his mother won't permit him to go, anyway. That's one duty the recent Legislature overlooked. It should have passed a law compelling parents to permit their children to do anything they wish.

"BRITON Faces a Rent Crisis."—Headline. Almost any householder can sympathize with Briton.

A POLL shows that 80 per cent. of Princeton seniors use tobacco, which shows that, taken by and large, undergraduates are regular fellows.

THREE hours under East River in a tunnel blockade does not appeal to us as a pleasant way to spend Saturday evening.

THEY never will succeed in naming the twelve greatest men in America. There are not that many "colymunists" on Manhattan.

ALL the world is just a stage, Mark the exit, Mullan-Gace.

IT'S just like the peevish Tribune to lay the shortcomings of the Assembly on Charles F. Murphy.

THE Prince of Wales is going to attend the World Advertising Convention at Atlantic City in June. He should be marked Exhibit A—the best example of the value of publicity.

HE is said to be a confirmed bachelor; but just wait till he takes a stroll along the beach.

Wise Lord Robert.

LORD ROBERT CECIL announced on his arrival in London that America would not enter the League of Nations soon.

AN afternoon contemporary should know, but doesn't, that a corporation may have thousands of small stockholders, and yet be controlled by a few large stockholders.

IT is reported that Poincare will protest a decision of the U. S. Supreme Court. We do not look for him to order an occupation of the Schuylkill Valley, however.

BEAU BROADWAY.

TUTTER HAS HANDY SCORE IN FEATURE STAKE AT JAMAICA

Henry Alterman's French Veteran Leads From Flag Fall to Finish in Mile and a Sixteenth Garden City Selling Event. All Over a Well Beaten Trailer All the Way.

DIAGRAM WINS FOR BELMONT

Fair Play 3-Year-Old Shows Fast Six Furlongs in Graduation Effort—"Pony" McAtee Journeys Over From Pimlico to Score With Sea Sand and Roseate II.

WINNERS AT JAMAICA.

FIRST RACE. Normans, 2 to 1 straight, 3 to 5 place and 1 to 4 show, won. Goodness, 4 to 1 straight, 3 to 5 place and 1 to 4 show, second. Gipson, 20 to 1 straight, 6 to 1 place and 5 to 2 show, third.

SECOND RACE. Sea Sand, 4 to 1 straight, 2 to 1 place and even show, won. Dunsmuir, 16 to 5 straight, 6 to 5 place and 3 to 5 show, second. Nightboat, 9 to 2 straight, 2 to 1 place and even show, third.

THIRD RACE. Diagram, 5 to 2 straight, even place and 2 to 5 show, won. Spruce Eagle, 3 to 1 straight, 6 to 5 place and 3 to 5 show, second. Rock Bottom, 10 to 1 straight, 4 to 1 place and 2 to 1 show, third.

FOURTH RACE. Tuffer, 2 to 1 straight, 1 to 2 place and out show, won. Olympian, 8 to 1 straight, 4 to 1 place and 2 to 1 show, second. All Over, 8 to 5 straight, 1 to 4 place and out show, third.

FIFTH RACE. Repeat 2nd, 5 to 2 straight, 4 to 5 place and 2 to 5 show, won. Queenie, 20 to 1 straight, 6 to 5 place and 3 to 5 show, second. Mad Play, 11 to 20 straight, out place and out show, third.

SIXTH RACE. Reply, 9 to 5 straight, 1 to 5 place and out show, won. Eagle, 11 to 20 straight, out place and out show, second. Mad Play, 11 to 20 straight, out place and out show, third.

EDITH DAY.



Photo by Campbell. She Will Marry Pat Somerset Here on May 15.

DAY-SOMERSET WEDDING MAY 15

"Wildflower" Prima Donna to Be Bride Two Days After Final Divorce Decree

Edith Day and Pat Somerset have set May 15 as their wedding day. The ceremony will be performed in Somerset's apartment in West Fifty-seventh street.

GOV. PARKER TO SPEAK TWICE ON FLAG DAY

Orates in Afternoon at Grave of Roosevelt, in Evening at City College.

June 14, Flag Day, will be observed by nearly 1,600 Elk lodges in this country.

Gov. John M. Parker of Louisiana will be the orator on that occasion for two lodges—Grange, N. Y., and New York No. 1.

Glen Cove will conduct exercises at the grave of Theodore Roosevelt at Orate Bay at 3 o'clock in the afternoon.

Gov. Parker was a close friend of the late President, so Glen Cove Elks consider they are favored in getting Louisiana's chief executive to speak.

In the evening at 8 o'clock, under the auspices of New York Lodge, Gov. Parker will deliver an address at City College.

20-YEAR TERM REVERSED.

Judge Grants New Trial as Prisoner Was to Leave.

Just on the eve of his going to Sing Sing Prison for twenty years for highway robbery, Salvatore Durante was granted a new trial yesterday by Judge Gibbs in the Bronx County Court.

The new trial was won by the plea of his attorney, Leonard A. Soltkin, who contended the judge that he had allowed incompetent testimony to be given at Durante's trial last February.

Cop Held After Clash.

As a result of a clash between State troopers and policemen, Patrolman Henry Carlson of the Pleasantville, N. Y., force was yesterday held in \$200 bail, and Sergeant Horace Tighe and Horace Rankin of the troopers are accused of resisting an officer.

The State troopers in an automobile drove by when Patrolman Carlson signalled them to stop.

"FLYING FLIVVER" BEATS FAST TRAIN TO PARIS

(By United News to The Morning Telegraph.) PARIS, May 7.

The aerial flivver is a success. M. Barbot the French aviator, opened a new era of cheap and fast transportation to-day, when he flew from Calais to Paris in an eleven-horsepower plane, consuming less gasoline than a Ford auto and making the journey seventy minutes quicker than the Calais-Paris express train.

Barbot's plane used twelve liters of gasoline, which cost \$1.40, and 35 cents' worth of oil. The total expense of the trip, including Barbot's lunch, was less than the cost of first-class railroad passage from Calais.

My total flying time was three hours and thirty minutes," said Barbot. "I stopped two hours and ten minutes at Nantes for lunch and twenty minutes at Beauvais. I must have covered between 160 and 200 miles. The strong winds were against me and I lost my way a couple of times following the wrong railway."

The aviator made most of the journey at an altitude of 3,500 feet. He said it was a very enjoyable trip. Barbot looks forward to the day when the air will be lined with his flivvers just as the roadways are covered with automobiles now.

WOMEN RELEASED, AS CHINA BANDITS DEMAND \$1,000,000

Miss Aldrich, Sister-in-Law of John D. Rockefeller, Jr., Among Prisoners Freed After Shanghai-Pekin Express Is Wrecked and Looted by Rebel Horde in Early Morning Attack.

ARMY ON HEELS OF ROBBERS

Captives Used as Shield From Bullets of Soldiers and Three Are Wounded—Two American Officers Among Men Held for Ransom—Diplomats Meet To-day.

(By United News to The Morning Telegraph.) PEKIN, May 8.

Retreating into Shantung wilderness, taking with them twenty-four foreign captives including a number of Americans for whose release they have demanded one million dollars ransom, 1,000 Chinese bandits who wrecked and robbed a crack express from Shanghai are being closely pursued by 5,000 government troops.

The American and British governments have served a demand on China for immediate release of the captives, whose lives are feared for if the troops press too hard upon the bandits.

Already the outlaws have given an inkling of what may be expected, as three of the prisoners, two Americans and an Englishman, are reported to have been wounded when forced to stand as a living wall between their captors and the bullets of the pursuers.

All the women who were captured when the bandits closed in on the derailed express have been released. In their number are included Miss Lucy Aldrich, sister-in-law of John D. Rockefeller, Jr., and Mrs. Allen and Mrs. Pinger, wives of American army officers, whose husbands were taken prisoners. Mrs. Allen and Mrs. Pinger have reached Tien Tsin—the only American survivors to reach there to date.

Diplomats File Demands.

To-day all the foreign diplomats in Peking are meeting to determine a course of action. British and American legations already have demanded release of their nationals, and an explanation of the situation, of which an extremely grave view is taken.

The Chinese Government admits the gravity of the situation, expressing serious doubts that the captives can be taken alive from the bandits, who, in their demand for ransom, stipulated they must be assured freedom from attack. The government indicated, however, that the demand for \$1,000,000 ransom—greatest in the history of Chinese banditry—would not be met.

The fate of all Americans who were on the train still is uncertain. Nothing has yet been heard of Robert P. Scripps, editorial head of the Scripps-Howard newspapers.

Among the Americans understood to be captives are J. B. Powell, secretary of the American Chamber of Commerce, and a newspaper correspondent; Major R. H. Pinger, U. S. A.; Captain Allen, U. S. A., both of whom were on duty in the east; Leon Friedman, J. A. Henley, E. Genberger, F. Elias and E. Elias.

(Continued on Page 7, Column 3.)

FAKE CHECK FLOOD WAS RUDE FOR RAID ON STOCK MARKET

Wall Street Hard Hit as Prices Slump After Fraud Is Disclosed in Mass of Buying Orders From Towns in Pennsylvania, New York and Massachusetts as Part of Scheme.

WHOLE LIST BREAKS IN CRISIS

Believed That Clever Swindler Was Concocted With Million as Booty Sought by Gang and That Half That Amount Was Realized in Panicky Trading of Two Hours.

WAS STOCK MARKET RAID, SAYS BANKERS' ASSOCIATION

The American Bankers' Association made public the following last night:

"The American Bankers' Association, through its protective department, began an immediate investigation yesterday of the sending of numerous bogus treasurers' checks, drawn on out-of-town banks in New York and Pennsylvania, to brokers in the New York financial district with orders for the purchase of stock."

"Fifteen men of the William J. Burns International Detective Agency were put on the case. It was found that the plot was apparently aimed solely to affect the stock market and that the only losses suffered were through stock transactions by brokers, but not by the banks."

Wall Street yesterday experienced the closest attack in history from the underworld.

After folding what it considered to be an attempt to put over a fraud which involved something like \$15,000,000 worth of securities, it last night pondered whether that was not merely a bait, while the real scheme, which was successful, was a clean-up of hundreds of thousands of dollars on a short selling drive growing out of the consternation which followed the discovery of the first part of the scheme.

Summed up, the plan, as it was figured out last night, began with an early morning bombardment of big Wall Street houses in New York and other cities with forged mail orders to buy thousands of shares of stock accompanied by forged cashier's checks. The size of the deal, the similarity of the orders, the uniform size of the cashier's checks, guaranteed that this phase of the deal would be discovered ten minutes after the Exchange opened and the orders began to appear.

Figuring on the uncertainty that would follow this discovery and the timidity of the speculators who might not know what the meaning of the plan is believed to have made great profit in the ensuing depreciation of prices, which was not checked until several hours later.

Effort to Trace Raiders.

Every available agency was at work last night tracing the scheme, which has its ramifications in three States and many cities. The United States Postal Inspectors were at work on one phase of it because of the letters. The New York police, the bank and other protective agencies were likewise busy.

Stock brokerage houses were all set for the usual dull Monday morning yesterday, until the mail was opened. Then they sat up and took notice. It looked like one of the best revivals of business this year. More than forty houses had received mail orders for the purchase of blocks of investment stocks. And the orders were from new customers. More over, they were accompanied by certified or cashier's checks.

But there were too many of these orders, and the heads of various departments began to grow suspicious. The investigation quickly developed that one of the cashier's checks recently killed in an automobile accident. Another was signed by a bank president known to be in Europe. The third was a check developed that the orders were spurious.

All Letters on Same Paper.

It then was discovered that the orders all were written on the same kind of paper and that the letterheads either represented banks, produce or dairy firms. Rather odd, thought the brokers, that these three lines of business should simultaneously go in for stocks on such a large scale.

Further comparison of notes showed that while the checks were mailed from a dozen towns and cities in New York, Massachusetts and Pennsylvania they all were beautifully timed to arrive at their destinations on Monday morning. The array of circumstantial evidence was too strong and business suddenly stopped after the market had bulged several points and been stimulated to feverish activity.

It was a sorely harried crowd of bears and shorts who confronted this onslaught. What they didn't know about

TUBE STAMPEDE ENDANGERS 1,000

Scores Faint in Rush to Escape From Subway Train After Short Circuit.

SMOKE CHOKES PASSENGERS

One thousand men, women and children on the verge of suffocation and nausea from the acrid fumes of burning insulation fought last night to escape from a ten-car Jerome avenue express of the Lexington avenue line when the train developed a short circuit that brought it to a stop in the tunnel a short distance away from the local East Sixty-eighth street station, where the express tracks run on a lower level.

Choking and coughing, the panic-stricken passengers rushed for the doors of the cars, some of the men and women kicking out the windows in their frantic efforts to leave the train and make their way to the emergency exit at Sixty-eighth street. Many women fainted and were bruised in the mad rush of the other passengers. Some of the cooler-headed passengers who tried to stem the panic were brushed aside.

The express tracks are forty feet below the surface of the street at the point where the Jerome avenue express train stalled. The frightened men and women, some of the latter carrying young infants and accompanied by children, rushed to the emergency exit, and those that were able made their way to the platform of the Sixty-eighth street station.

The accident occurred shortly after 6 o'clock. As the train came to a stop there was a short circuit and in a few minutes clouds of acrid smoke, that caused the passengers to choke and verge on nausea, filled the tube.

The train was filled with passengers and the men, women and children became greatly excited and rushed for the doors. Some women fainted and in the mad rush were trampled on, according to stories told by some of the passengers.

As the men and women, overcome by the smoke and acrid fumes of burning insulation, were helped to the street by others by way of the emergency exit at Sixty-eighth street, they were carried or assisted to the grounds of Hunter College nearby, which were converted into an emergency field hospital. It is estimated

(Continued on Page 2, Column 3.)

FAMOUS FORCED TO BE EXHIBITOR

W. W. Irwin, Former Official of Film Company, Says Competition Caused Acquiring of Theatres.

CERTAIN CITIES FAILED TO PAY

That the acquiring of theatres and property on which to build theatres by the Famous Players-Lasky Pictures Corporation was caused by the stiff competition the company had to face from First National land other film concerns was brought out yesterday in the hearing being conducted by the Federal Trade Commission to determine if the Paramount organization is in substance a motion picture trust.

Walter W. Irwin, a pioneer in the film industry, who organized the old V. L. S. E. Distributing Corporation and was connected with the Famous Players company from 1916 to 1920, told how he happened to join the concern at the request of Adolph Zukor, the president. The latter had mentioned to him that certain cities in the Middle West, notably St. Louis and Indianapolis, were not turning in an amount of revenue for his product that localities of such size ought to.

Accordingly, it was arranged that Mr. Irwin should make a survey of these cities and see what could be done to give the pictures better representation. He became vice president of the company. Investigating conditions in St. Louis, Mr. Irwin found that the best theatre was used by First National, with only an old auditorium left.

In order to obtain good showings in the city, he acquired some property opposite to the theatre of the rival circuit and had plans immediately drawn up for a theatre. This was built soon after.

In Indianapolis it was also necessary to build a theatre in order to equate first run showings that would influence small exhibitors in that district.

Questioned further by Daniel Farrington, counsel for the commission, Mr. Irwin declared the sales department had made up a statement on the returns from the so-called "key" cities, and this disclosed bad conditions, not only in St. Louis and Indianapolis, but also in Milwaukee.

(Continued on Page 7, Column 5.)

ZIEGFELD REPLIES TO FOLLIES SUIT

Says Singer Who Was Dropped Could Not Be Understood in Her Duet.

ERLANGER ALSO A WITNESS

Olive Cornell, coloratura soprano, of 204 West Fifty-fifth street, has found an attempt to step from vaudeville into the "Ziegfeld Follies" a very costly one, according to her story yesterday before Supreme Court Justice William P. Burr and a jury. Mrs. Cornell, whose husband is Charles Cornell, booking agent and producer, quit a \$550 a week engagement on Keith & Proctor's "big time" circuit to accept \$200 a week in the "Follies." She was laid off at the end of the week—the opening week of the 1920 "Follies" in Atlantic City. Later Florence Ziegfeld gave her a week's engagement on the New Amsterdam Roof. At the end of that week she was dropped. She is suing for \$25,000, alleging breach of an employment contract.

Mr. Ziegfeld, who was in court with Nathan D. Stern, his attorney, smiled broadly when the plaintiff said that two other shows in New York were just as good as his own "Follies." Mrs. Cornell said that she had lost \$10,000 in salary and had suffered the loss of \$15,000 worth of prestige through being stricken from Mr. Ziegfeld's payroll.

Erlanger Testifies.

Abraham L. Erlanger, treasurer of the corporation which controls "Ziegfeld's Follies," testified that he had gone to Atlantic City to witness the official performance of the "Follies of 1920," and while there had heard the plaintiff sing. Her enunciation, he testified, was such that he could not understand it.

Questioned by Mr. Stern, Mr. Erlanger stated that the production of the "Follies" was "glorified vaudeville," and said that during the last seventeen years or so he believed the cost of production had ranged from \$75,000 to \$275,000 a season before raising the curtain.

Mr. Stern wanted to know what the veteran manager thought of cabarets. "Cabarets are responsible for the Eighteenth Amendment," said Mr. Erlanger. He added that the cabaret end of the show business is looked upon by theatrical producers as "the outcast of their own line."

"I do not mean to reflect upon any

(Continued on Page 3, Column 8.)

THE WEATHER.

Fair to-day. To-morrow slightly cooler with strong easterly winds.

Diagram broke the ice for August Belmont, when he led eight other non-winners of the 3-year-old division in a six-furlong sprint. The Fair Play-Dragnet gelding was only breacing as he completed the distance in 1:12 3-5, three lengths in advance of his closest competitor. The performance indicated he

(Continued on Page 11, Column 2.)

BROTHER OF UNIVERSAL MEN CHINESE HOSTAGE

Negley D. Cochrane and Daughter on Train Looted by Bandit Kidnappers.

SALES CONVENTION TO-DAY

Mrs. Murray Coming Saturday. "The White Rose" to Open May 21—Other Film News.

By LOVELLA O. PARSONS.

NEGLEY D. COCHRANE, a brother of R. H. and P. D. Cochrane, and his twenty-year-old daughter are in the party of 150 passengers who were held up by bandits in China on Sunday. The brother of the Universal officials is a newspaper man, editor of the Toledo New Bee, one of the important daily papers of Ohio.

Mrs. Negley Cochrane, who has been in Washington while her husband and daughter were touring the Orient, has left no stone unturned to get word to her family. She has been in constant touch with her husband's brothers here in New York, who are giving her every possible aid in getting word from the missing ones.

Both Mr. Cochrane and his daughter are greatly worried over the fate of their brother and his daughter, who is said to be an especially beautiful girl. They have rolled every wire available to get some word, but up to a late hour last night nothing had been heard from Shanghai that would give them any hope that their brother had escaped the bandits. The ransom is a million dollars, and while the plot is far more melodramatic than any of the special Universal has put on the screen, it is one both Mr. Cochrane feel they could do without very nicely.

While the Cochrane are uneasy and worried, they feel the kidnappers will be apprehended and that no blood will be shed.

Sales Convention Opens To-day.

The Paramount sales convention—a semi-annual affair—opens to-day at the Pennsylvania Hotel. About 150 salesmen will be present to listen to the talks to be given by Sidney R. Kent and his colleagues. Talks on sales policies and methods of exploitation will be the leading features. Mr. Kent, who is general sales manager, will preside at the meeting. The convention is one of four that is being conducted this month here and in New Orleans, Los Angeles and Chicago. The entire Famous Players-Lasky home office will take part in the convention, which is being made an important affair. There will be time for social affairs, too. No salesman can come to New York without getting a little taste of life on Broadway via the theatres and cabarets.

All Set for Convention.

J. J. Rubens, who is manager of the Motion Picture Palace of Progress, sent a letter yesterday saying that everything is set for the convention and exposition in the Wiskey City. He says the exhibits are coming in fast and he thinks the position will be the biggest of its kind. The convention, too, he believes, will bring more exhibitors than any previous affair. Louis Frak is in charge of the Coliseum, and Nat Royster is handling the publicity. We will say that with four daily papers to be printed right on the ground he will be a busy man. We hear there is to be keen rivalry and that there are many bets up as to which paper gets the news first. Well we will be to busy getting in our own news we are not taking part in the arguments. The exhibitors here have now joined the ranks. Chicago is its home town and Colonel J. S. Sparro is going there to lend a hand.

New Film at Cameo.

After twelve or more weeks (count 'em yourself) at the Cameo Theatre, the W. W. Hodgkinson surprise hit of the year, "Down to the Sea in Ships," is giving way to another special picture. The latter is "Vivian's Masters of Men," which bids fair to be as prosperous as its predecessor. In a day and age of extravagant hyperbole it is a pleasure to be able to say at first hand that the Vivian film is excellent entertainment. With regard to "Down to the Sea in Ships," which has had the longest run of the year on Broadway, it is interesting to recall that it went begging for months before Mr. Hodgkinson saw it and gave it a chance.

C. Graham Baker Away.

C. Graham Baker, editor-in-chief of the Vitaphone forces, has arrived safely on the Coast, where he was summoned by Albert B. Smith to go over the Summer production schedule. According to revised plans, Mr. Smith will return to New York shortly, but Mr. Baker will remain in Hollywood for two months to supervise scenario work on the lot. The newly announced Vitaphone program calls for special pictures only during the coming year.

Rothecker Celebrating.

Walter Rothecker, of Chicago, and the motion picture industry, is at present in the throes of celebrating the thirtieth anniversary of the founding of his original film enterprise. In those early days he used to send "protectors" along with his advertising cameramen to fight off camera-wrecking crews. That was the time when the Griffith star was just beginning to rise, and Harry Pickford was being advertised by Rex Lease as "Little Mary." If we recall correctly it was then that some directorial genius made a picture that didn't terminate in a chase.

Mae Murray Due Saturday.

Mae Murray has sent a telegram to the Metro offices that she may be expected on Saturday. Jack Meador, who attends to these little matters of receiving Metro arrivals, has ordered a brass band and Boy Scouts out to welcome Miss Murray. She will announce her plans after she reaches New York.

To Open May 21.

As we hinted a few weeks ago, David Wark Griffith will open "The White Rose" at the Lyric Theatre on May 21, with a typical Griffith presentation. Of



Photo by Apella. MARGUERITE COURTOT. She will play the leading role in "Mortal Love," a new production made by Distinctive.

course, we feel sorry it will make its bow when we are in Chicago covering the convention. Albert Gray offered to furnish an airplane, but not being used to that mode of travel, we thought it advisable to decline.

Thomas Meighan to Start Work.

Thomas Meighan is getting ready to begin work on "Homeward Bound," the story that George Ade wrote for him. Of course, Tommy loves to work, but in the Springtime he would not mind having a little rest from making pictures—only the fans won't let him stop work. Lila Lee will play opposite him.

Goldwyn Signs Another.

The young Rumanian actor, George Calliga, who came to this country under the sponsorship of Carrie King, has signed a contract with Goldwyn. Mr. Calliga is well known in Paris and London, but he will make his first American picture at the Goldwyn studios. Everything is fine, excepting the young man's name, which the Goldwyn powers that be consider is a mouthful, and which George agrees should be changed. If any one has a bright idea, send it along to the Goldwyn. George, as he was christened, is really entitled to the title count, but upon the advice of Miss King he dropped it when he took up a business career.

Jane Grey Gets Role.

Jane Grey has been chosen by the William Fox Company for the leading role in "The Governor's Lady." Harry Miland is now at work on this Belasco story which is being filmed here in the East. Miss Grey will play of course the governor's wife.

To Surprise Her Mother.

As a surprise to her mother Hope Hampton is taking her sister, her sister's husband and children with her to California a week from Saturday when she departs for the Coast to play the leading role in "The Gold Diggers." Miss Hampton's mother lives in California and that is one reason she is looking forward to making her next picture on the Coast.

Speaking of the Coast.

Dorothy Dalton is one star who loves New York better than California. She said the other day she had moved to New York for good and will not go to the Coast until it is necessary to make a picture out there.

M. R. Levee Here.

Among our visitors from the Coast is M. R. Levee, manager of the United Studios. He arrived yesterday morning, bringing personal messages from Joseph Schenck and with much business to transact.

The Golf Champion Arrives.

The golf champion of the Middle West, Aaron Jones, reached town yesterday. Aside from being past master at golf he is one of the firm of Jones, Linick & Schaefer, Chicago's theatrical and vaudeville company. Mr. Jones reported to Adolph Zukor at once and the golf match was arranged. Both gentlemen claim the distinction of being experts in this line. In fact bets are up. Mr. Zukor has invited Mr. Jones to play at the Zukor country place, and we hear Jesse L. Lasky has been dragged into the bout as a witness. Of course Mr. Lasky thinks he can play better than either of them, but he thinks he should let them have their good time.

Marguerite Courtot Engaged.

Marguerite Courtot has been engaged by the Distinctive Pictures Corporation to play the leading feminine part in "Mortal Love," the Clarence Budington Kelland story now running in Collier's Weekly. Sheridan Hall will direct this picture from the adaptation made by Philip Longman. The picture will be distributed by Goldwyn. Miss Courtot's engagement to play Lydia Campbell completes the cast for "The Steadfast Heart." Joseph Striker will play the male lead, and others who will be featured are Mary Aldrich, Joe Dewey, Jerry Devine, Sherry Tanner, Miriam Battista and William B. Mack.

De Mille's Next.

William De Mille's next picture for Paramount, on which production will start about June 1, has been definitely titled "Mortal Love." Mr. De Mille is now in New York preparing "Only Thirty-eight," his last photo-play, for release with the aid of Clara Bow. "Mortal Love" is an adaptation of "The Flame," Edward Knoblock's stage play, which had a run in 1910 with William Faversham starring. De Mille expects to return to Los Angeles the latter part of this month. Immediately upon his arrival he will choose the cast for "Mortal Love."

CHINESE BANDITS SET WOMEN FREE

(Continued From Page 1.)

A. L. Zimmerman and N. V. Hammovitch and Lee Solomon.

News Hard to Get.

News travels tortuously in this section of China and conflicting reports have come in throughout the day that followed the catastrophe. It seems definitely established, however, that Miss Lucy Aldrich, her companion, Miss Macfadyen, a maid, the wives of the army officers, and possibly other women who were on the train are safe, although Miss Macfadyen is ill and suffering from exposure at Pin Cheng, near the scene of the wreck, whither consuls from Tien Tsin, Shanghai and Nanking are speeding with physicians.

Mrs. Allen and Mrs. Finger were able to tell a graphic story of the night of horror when the express, its passengers asleep and dreaming of no danger, was hurled from the rails and the bandit horde descended upon it, looting and firing terrifying volleys.

The Shanghai-Pekin express pulled out of the former city Saturday morning. Aboard, besides the foreigners, who traveled in luxurious coaches, were three or four hundred Chinese.

The roadbed, best of China's inadequate rail system, wound through low hills, skirted a great lake and a marsh near where it crossed the Shantung River as it approached Linking.

Attack in Deep Cut.

The train steamed on into the night, roaring steadily along toward the fatal cut where, unknown to any one, the bandit horde lay in wait. It was about 2 o'clock in the morning when the attack was made.

A volley of rifle fire was poured into the speeding express from either side of the roadbed. The night was made hideous with wild yells. Then, before the passengers were more than half awake, the rails, weakened by the bandits, gave way, and the train plunged into a ditch.

As the express came to a halt the rifle fire of the bands outside increased. Brigands by the hundreds came pouring from their places of concealment and fell upon the train with gunbuts and hatchets.

With no time to even cover their night attire, men and women occupants of the foreign coaches were ordered rudely from the train at the point of rifles. Women were stripped of their jewels and belongings. Even the eyeglasses were taken from men and women, bags were cut open and yellow hands thrust in, taking everything.

Barbed, though tangled wrecks and over ground strewn with broken glass from the train windows, the passengers were forced to walk to a spot indicated by their captors.

Women Forced to March.

The looting went on while the half-clad women crouched together in terror, not knowing what their fate was to be. Then began a terrifying march toward the hillside wastes. Force armed bandits peering into the faces of their prisoners as they strode along, setting a pace that bare and bleeding feet found difficulty in following.

Many Chinese were among the prisoners taken into the hills, and it was one of these, an aged, yellow man, who hobbled to the nearest government station late Monday with the arrogant demands of the brigand leaders.

One million dollars in ransom, freedom from attack by troops the bandits other captives, reported that the brigand band was being rapidly augmented on its retreat. Hundreds of other Chinese, he said, were flocking to the standard of the chieftain who directed the daring raid, until, he estimated, fully five thousand sought a place in the band and a share of the plunder.

Government Troops on Trail.

Meanwhile word of the disaster had reached Shanghai, Shantung and Peking, and government troops numbering 5,000 set out after the kidnappers.

In the waste country they came upon the retreating horde and sought to close in on either side.

The affair can scarcely escape assuming the proportions of an "international incident." Foreign legations are at white heat. No pains are to be spared to bring the captives safe from the clutches of the brigands. Christian Chinese troops, pick of the army, may be sent on the rescue mission.

Foreign missions are scattered sparsely through the country into which the bandits have withdrawn. It was from one of these that the report about the American and Englishman having fallen before the fire of the rescue troops as they stood bound in the human wall came. Missionaries often join brigand bands to work among them, and it may be through missionaries that the eventual rescue, if it is effected, can be accomplished.

FAMOUS FORCED TO BE EXHIBITOR

(Continued From Page 1.)

waukee, Toledo, New Haven, Pittsburg, Boston and Cincinnati. In each of these latter cities the train was acquired at the time, except in New Haven.

The fight between the Famous Players and First National forces was outlined in detail by Mr. Irwin, who explained why the Paramount organization took drastic steps to face the competition of the new circuit.

Proposed Fight to End.

He said that at that time First National was formed it was claimed they were to be the champions of the exhibitors and would rescue them from the Famous Players' alleged trust.

He said Zukor told him that Mr. Williams and another member of the twenty-six men who made up the First National firm had sent word to him that they intended to get Mary Pickford away from him, and that no matter how much Zukor bid for her, First National would outbid him. Irwin said Zukor told him he was advised that he might as well stop bidding for Miss Pickford.

Zukor, he said, also told him Mary Pickford and her mother notified him they had received the same information. He said Zukor said to him that he did not propose to allow any man or group of men to destroy a business he had built up out of the hollow of his hand, and that he would fight in every possible way to prevent it. Zukor asked him what advice he would give him if he were to advise Zukor to tell the film industry through published affidavits and letters in the newspapers that the women passengers on the train which was held up by the bandits had been released.

At Mr. Rockefeller's office it was stated that Miss Aldrich was traveling with a companion named Miss Macfadyen, and a maid.

Mrs. Winthrop W. Aldrich sister-in-law of Miss Aldrich, said that she had received no news from the latter since from a press dispatch, saying she was known to be released. She said that Mrs. John D. Rockefeller, Jr., had not received any advices either.

MISS ALDRICH'S KIN RECIEVES NO WORD

No private assurance of the safety of Miss Lucy T. Aldrich, sister-in-law of John D. Rockefeller, Jr., had been received by her relatives in this city last night.

Telegrams were received from the Standard Oil Company office in Shanghai saying the oil company officials are working in behalf of those captured. The telegram follows:

"Shanghai May 6—Miss Aldrich in party on Peking train held up by bandits. Out of the thirty-four foreigners on the train ten are safe, named as follows: Miss Aldrich, Miss Macfadyen, Miss Macfadyen, Miss Macfadyen, Miss Macfadyen, Miss Macfadyen, Miss Macfadyen, Miss Macfadyen, Miss Macfadyen, Miss Macfadyen. The remaining twenty-four are being held by the bandits. We are doing everything possible. Will keep you advised."

It is hoped that the clause "ten are safe" may be a confirmation of the newspaper reports that the women passengers on the train which was held up by the bandits have been released.

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MARGARET LAWRENCE.



Photo by Will. Star of "Secrets," Who Will Spend Summer Abroad.

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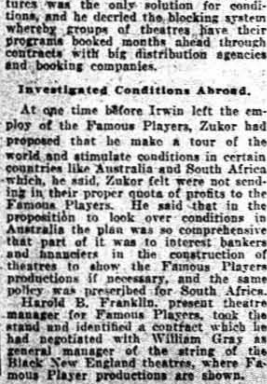


Photo by Will. Star of "Secrets," Who Will Spend Summer Abroad.

FREIGHT THEFTS HARD TO FIGHT

Railroads Constantly Combat Gangs Who Despoil Cars on Ingenious System.

In one interesting case officials of one of the roads running out of Chicago had been receiving reports that merchandise was disappearing regularly from one of their freight trains while en route between two cities. At just what point the goods disappeared could not be ascertained. The train left one city with every seal intact and when it arrived at the other the merchandise was gone.

Determined to stop this loss the railroad assigned two detectives to ride this train one night. They slipped into the caboose as the train left the yard and the first stop was made the detectives one on each side of the train, ran up to the engine examining all of the cars on the train. They were wearing their disguises and the train was in motion.

The next stop they started back to the caboose. They had gotten half way back when one of the detectives shouted to the other that he heard a door being broken open.

"I hear it on this side, too," shouted the other.

"Give me a boost!"

He leaped through the half-open door to the floor of the car.

Bang! Gets Close in Cafe.

The shot was so close that the powder from the flash burned the detective's face. He emptied his pistol as the form of his assailant rolled past him and landed on the ground. The train was picking up speed, but the detective leaped right after his man. For hours he wandered around in the dark and at dawn entered a luncheon room for a cup of hot coffee. While he was drinking it, the waiter said to the only other customer:

"That fellow certainly was bloody."

"This was the clue and the detective was not long in finding and arresting his man."

In another case a lot of material had been thrown off a train by thieves. The train was picked up speed, but the detective leaped right after his man. For hours he wandered around in the dark and at dawn entered a luncheon room for a cup of hot coffee. While he was drinking it, the waiter said to the only other customer:

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CLUBWOMEN SEE EGYPTIAN PLAY

"Queen Hatsa" Impersonated by Ruth Helen Davis, Who Wrote Verse Piece.

The Longacre Theatre sheltered an enthusiastic audience of clubwomen yesterday afternoon who witnessed a benefit performance of "Queen Hatsa of Egypt," a story told chiefly in rhyme—for the building fund of the New York City Federation Hotel for Working Girls.

Ruth Helen Davis, who wrote the play, also interpreted the role of Hatsa, the first Queen of Egypt.

There was a prose prologue in which the modern girl, whose lover had returned after four years' absence, informed him that her ideas had changed. She had decided that her aim in life should be to work for the emancipation of women and that marriage was out of the question. Her ideas were the ones advanced so frequently when New York was being converted to suffrage, and the young man endeavored to convince her that she had discovered no new theories by telling her the story of Queen Hatsa, who lived 3,000 years ago.

The play then takes place in Egypt, 1600 B. C., with appropriate settings and costumes, at a time when Hatsa was crowned Queen, notwithstanding the very sage arguments that men advanced concerning the rights of women that they are still advancing. The play unfolds itself amid the usual turmoil, plotting and confusion which besets a royal and beautiful woman whose lot is cast among men and who, in the end, capitulates and marries the man of her heart.

Harry Irvine directed the performance, which ran very smoothly, considering the bigness of the undertaking and absence of artists of wide experience. A veritable feast of the eye, the story was well told and all around commendable.

The cast included Katherine Brown, Ann Egleston, Louis Hallett, Paul Dore, Charles W. Hester, Henry Burchard, Mark Haight, Robert Vivian, Edmund Balcock, Charles E. Bloomer, Gerald Gilbert, Carrie Bridwell, Gertrude Phillips and J. C. Davis.

BENEFIT FOR WORKING GIRLS

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The cast included Katherine Brown, Ann Egleston, Louis Hallett, Paul Dore, Charles W. Hester, Henry Burchard, Mark Haight, Robert Vivian, Edmund Balcock, Charles E. Bloomer, Gerald Gilbert, Carrie Bridwell, Gertrude Phillips and J. C. Davis.

BENEFIT FOR WORKING GIRLS

The Longacre Theatre sheltered an enthusiastic audience of clubwomen yesterday afternoon who witnessed a benefit performance of "Queen Hatsa of Egypt," a story told chiefly in rhyme—for the building fund of the New York City Federation Hotel for Working Girls.

Ruth Helen Davis, who wrote the play, also interpreted the role of Hatsa, the first Queen of Egypt.

There was a prose prologue in which the modern girl, whose lover had returned after four years' absence, informed him that her ideas had changed. She had decided that her aim in life should be to work for the emancipation of women and that marriage was out of the question. Her ideas were the ones advanced so frequently when New York was being converted to suffrage, and the young man endeavored to convince her that she had discovered no new theories by telling her the story of Queen Hatsa, who lived 3,000 years ago.

The play then takes place in Egypt, 1600 B. C., with appropriate settings and costumes, at a time when Hatsa was crowned Queen, notwithstanding the very sage arguments that men advanced concerning the rights of women that they are still advancing. The play unfolds itself amid the usual turmoil, plotting and confusion which besets a royal and beautiful woman whose lot is cast among men and who, in the end, capitulates and marries the man of her heart.

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GREATEST
AMUSEMENT
AND
DRAMATIC
PUBLICATION
IN THE WORLD

The Morning Telegraph

RACING
FINANCE
THEATRICALS
BOXING, POLITICS
MOTION PICTURES
GENERAL SPORTS

Vol. 101. No. 180.

NEW YORK, THURSDAY, MAY 10, 1923.

PRICE TEN CENTS.

THE TOWN IN REVIEW

OF course it never would do for us to get ourselves "entangled" by sending an expeditionary force after American citizens now in the hands of Chinese bandits. Why didn't they stay at home? What business had they over there, anyway? They are not entitled to any more sympathy than the victims on the Lusitania, and George Sylvester Viereck himself will tell you that the Lusitania victims were not entitled to any sympathy at all.

OF course we might pass a resolution of sympathy for the prisoners and Krupp von Bohlen.

I HAVE an acquaintance who says the sugar boycott worked so well he has a notion to boycott the installment on his typewriter.

He's "Absent-Minded, All Right."

THE boy who was to be deported because of a failing mind has disappeared.

Going After the Money.

A \$1,000 prize has been offered for the best jubilee song. Here's ours, mail check promptly: A-ling fast—the more's the pity—Celebrate the Greater City, Just a quarter century's survey of the seas—'Spite the World and all its carping, Panoply and Pomp are harping Joyous melodies as loudly as they please. Every time you look at Hyman You can see that he is smiling At his foes who've taken refuge in the trees; They all said he couldn't do it, But the Mayor's made 'em rue it. When it comes to celebrating, on our knees Do we doff our hats to Hyman, For the Mayor sets the style on While we're giving him our Silver, live on cheese Ain't it funny How the money Can be raised for Jubilees!

YOU got to say one thing for the Wall Street forgers, they showed a lively appreciation of the significance of "Clean-Up Week."

EVEN the Germans should be able to understand the significance of a fifteen-year prison term for a Krupp.

I READ of a young woman who "turned on the gas to evade a suitor." I knew of a woman who did this same thing to evade a husband—but they revived him with a pulmonary.

A NEW law requires all Americans leaving Germany to give up what cash they have in excess of \$25. Presumably we have a treaty with Germany that protects our citizens from robbery. But what's a treaty with Germany?

ONE authority is quoted as saying amnesia is not unlike Spring fever. Right. Frequently when a boy I forgot where I laid the hoe, and by a strange, unaccountable impulse found myself on the way to the swimming hole.

WARD WITNESS IS GONE FROM HOME

Albert Stuart, One of Trio Stalled Near Scene of Shooting, Bought by State Troopers.

BENEDICT DENIES CALLS

Albert Stuart, an ex-convict man, who was to have testified in the hearing of the Ward case before Deputy Attorney General Wilbur W. Chambers, which was resumed yesterday morning in the Attorney General's office on Chambers street, did not appear when he was called and was declared to have been missing from his home in East Twenty-third street, Brooklyn, by State troopers, who have been searching for him.

Stuart was staying in an automobile with J. Leslie Irvine and his son, Francis, on the night of the shooting of Clarence Peters, less than a mile from the spot where the body of the ex-marine was found near the Kensico Cemetery.

Henry Knutson, of State Troop No. 5, said that compensation checks for five weeks are lying at Stuart's home. The ex-convict man was gassed during the war, and the trooper believes, may be suffering from the effects and unable to make his situation known.

A witness yesterday morning was Seelye, Benedict, an insurance broker and member of the firm of Benedict & Benedict, of Nassau street and Montague street, Brooklyn, whose home is on Park avenue, Manhattan. Questioned by the Deputy Attorney General, he said that he knew nothing of two telephone calls to his firm, alleged to have been made May 6 and May 8 and denied that he knew Mrs. N. Willard Curtis, Ward's mother-in-law.

He said that he did not know whether his firm had ever done business with the Ward family, and that he was in charge of the Brooklyn office of Benedict & Benedict. The witness said he was in charge of the New York office.

Benedict testified that he knew of no business transactions between his firm and any member of the Ward family, but expressed himself as confident that if his firm had had any dealing with the Ward family his brother would know about it.

When the witness was excused Chambers announced that Walter S. Benedict would be subpoenaed to appear as a witness this morning in the investigation. The State is endeavoring to learn about the two telephone messages alleged to have been sent when the telephone number "Main 3012." Benedict's Brooklyn phone number was called on May 10 and 12, 1922.

Both J. Leslie Irvine and his son have already appeared as witnesses before the Deputy Attorney General and

LASKER GIVES UP POST AS SHIPPING BOARD HEAD

(By United News to The Morning Telegraph.)
WASHINGTON, May 9.—Chairman Lasker of the Shipping Board, who was announced as his post June 12, he announced at a conference with President Harding today. Lasker accepted the chairmanship of the board on June 12, 1921, with the understanding that he would hold it only two years.

Edward P. Farley, Chicago ad. vancing man, Lasker's choice as his successor, has not yet expressed his willingness to be considered for the post. Lasker said.

NORTHEK SAILS TO JOIN JESSICA

Young Earl Starts for America to Claim Dancer as His Bride.

(Special Cable to The Morning Telegraph.)
SOUTHAMPTON, Eng., May 9. Sailing with the intention of setting married, the Earl of Northesk today left for New York on the Olympic to join his fiancée, Miss Jessica Brown, American dancer, formerly of the "Follies." The young Lord Northesk said he was going to America to arrange for his marriage, but declared the time and place was a matter that remained up to Miss Brown. That he expects to stay in the States for some time was indicated in his action in resigning his commission in the British army. His mother, Lady Northesk, and her party, Lady A. Rosalby, by Assistant District Attorney James J. Wilson, who had charge of the investigation.

ROBS WOUNDED VETERANS

Schiff Pleads Guilty and Will Be Sentenced May 10.
Jacob M. Schiff, formerly the deputy commissioner in charge of the First Assembly District distribution of State veterans relief funds, yesterday pleaded guilty to petit larceny, growing out of the charge that he had stolen money allotted to disabled veterans. Acceptance of the plea of guilty was recommended to Judge Otto A. Rosalby by Assistant District Attorney James J. Wilson, who had charge of the investigation.

Mr. Wilson said his attention had been called to the fact that Schiff was retaining some of the money he had made wounded veterans sign up for and had appropriated it to his own use.

CHINESE BANDITS THREATEN PEKIN

Brigands Who Kidnapped Americans Prepare to Attack City. Authorities Losing Control.

POWERS MAY INTERVENE

(By United News to The Morning Telegraph.)
PEKIN, May 9.

Chinese bandits are clamoring at the walls of Peking. With the reign of lawlessness becoming more serious and the authorities rapidly losing control of the situation, merchants of Peking are hoarding up their stores and preparing to resist attacks of invading outlaws. Bandits today looted two stores right outside the city walls, and killed one man inside the city. The brigands escaped.

It was learned from reliable sources that foreign powers are seriously considering forcing the Chinese Government to permit foreign powers to organize and supervise the Chinese police force to protect the railroads in an effort to prevent a recurrence of the raid on the Shanghai-Peking express Sunday when many Americans, other foreigners and Chinese passengers were taken prisoners and marched into the hills of southwest Shantung.

The reorganized Chinese police, according to the plan of the powers, would also be compelled to protect all communities in which foreigners reside.

The anger of the American authorities at the Shantung kidnapping episode is believed to presage a stronger international attitude of united action of the powers to liberate the fifteen foreigners, mostly Americans, who, according to best information, are still captives.

Miss Lucy Aldrich, sister-in-law of John D. Rockefeller, Jr., her companion, Miss Minnie MacFadden, and her maid, all of whom were captured by the bandits and later gained their freedom, are to arrive here tomorrow from Tientsin. It is believed that Miss Aldrich will enter the Rockefeller hospital to recuperate.

A Chinese newspaper correspondent at Tientsin reports that Miss Aldrich and her party escaped from the bandits and were not released. The women were marched up and down two mountains in bare feet and night garments. During

(Continued on Page 3, Column 3.)

THE WEATHER.

Fair and continued cool today. Tomorrow slightly cloudy and strong westerly winds.

SUE DONOVAN WINS FOURTH STRAIGHT IN STAKE AT JAMAICA

William Daniels's Consistent Black Toney Juvenile Maintains Her Unbeaten Record in Montauk Selling Event—Circus Ride of Marinelli Enables Broomlea to Take the Place After His Saddle Slips.

GREAT MAN SHOWS FINE RACE

Riviera Stable's Crack 3-Year-Old Registers Handily in Five and a Half Furlong Handicap. Missionary Defeats August Belmont's Osprey—Bevy Also Fails for Chairman of the Jockey Club.

WINNERS AT JAMAICA.

FIRST RACE.
Anna Marone 2nd, 30-1 straight, 8-1 place, 5-1 show, won. Apollo 6-1 straight, 8-5 place, 5-1 show, second. Miss Cane 6-1 straight, 8-5 place, 7-10 show, third.

SECOND RACE.
Nightbow 2-1 straight, 3-5 place, 4-1 show, won. Liberty Girl 3-1 straight, 7-10 place, 8-1 show, second. Cameracha 6-1 straight, 8-5 place, 7-10 show, third.

THIRD RACE.
Missionary 4-1 straight, even place and out show, won. Osprey 7-10 straight, 2-5 place and out show, second. Lanes 6-1 straight, 2-5 place and out show, third.

FOURTH RACE.
Sue Donovan 1-2 straight, out place and out show, won. Apollo 6-1 straight, 4-5 place and out show, second. Broomlea 3-1 straight, 8-5 place and out show, third.

FIFTH RACE.
Canyon 13-5 straight, 2-3 place and out show, won. Master Hand 6-1 straight, out place and out show, second. Commie 10-1 straight, 5-4 place and out show, third.

SIXTH RACE.
Great Man 12-5 straight, 3-5 place and out show, won. F. S. De 1-2 straight, 2-5 place and out show, second. William Tell 2-1 straight, 4-1 place and out show, third.

By JOHN J. FITZ GERALD.

Sue Donovan, a spirited brown miss who races for William Daniels of Chicago, clings to her winning ways. The juvenile daughter of Black Toney and Lady Installator, who was bred by Tom Shaw, the Eiffel Tower of the lawn, registered her fourth straight victory in an easy winner in the Montauk Selling Stakes at Jamaica yesterday afternoon. The muddy going was to her fancy and she led from flag fall to finish in the five and a half furlong feature.

There has been something of a traveler in her brief turf career. Down in New Orleans she opened her campaigning with a victory at the Fair Grounds. Then she traveled out to Lower California to pick up a purse at Tia Juana. And now she is back at Jamaica, and a two-time winner in the first seven days of the meeting.

This track has proven more fruitful ground for the Black Toney filly, as her two victories have netted her \$6,350 in prize money. Yesterday's Montauk was worth \$2,275 to the winner and her score in the Suffolk Selling Stakes on the opening day brought \$3,075.

It may be this youngster is better than a selling platter. Clarence Buxton was inclined to so believe, for he stepped down to the judges' stand and boosted her from \$4,500 to \$5,000 before retiring. She was protected by Trainer Blikely's additional \$5 bid.

Many Good Ones in Action.
The Montauk was not the only good number on the program, for the two sprint races brought out stake horses and provided sharp finishes, while several well regarded juvenile fillies competed in the opener. Changed track conditions brought numerous scratches.

Though small fields competed, the sport was brisk. Racers who favored muddy footing had an advantage for the heavy rains of the previous night left a soggy oval.

Great Man, the leading 3-year-old of the five and a half furlong, was in the Ansonia Handicap and led a trio of good ones of this age division at the close of the race. He responded quickly and drew away from his pursuers to win by open daylight.

Martinelli's Circus Stunt.

Master Marinelli displayed a bit of fancy riding in this number when he rode Broomlea barebacked for the last three furlongs and succeeded in taking place money from Babbler. The 4-1.

(Continued on Page 3, Column 1.)

1ST NATIONAL HOPED TO DOMINATE FILMS, J. D. WILLIAMS SAYS

Founder of Exhibitors' Circuit Declares All Companies Have Desire to Lead in Motion Picture Industry—Testimony Reveals Large Sums Paid Out to Players.

TRIED FOR PARAMOUNT STARS

Witness Admits He Negotiated for Services of Wallace Reid, Cecil De Mille and Thomas Meighan While Their Contracts Were Still Running. Pioneer Exhibitor on Stand.

James D. Williams, formerly of the First National Exhibitors' Circuit, completed his testimony yesterday morning before the examiner for the Federal Trade Commission, who is hearing evidence on the charge that the Famous Players-Lasky Corporation and six other defendants are acting in restraint of trade.

Mr. Williams admitted on cross-examination that First National "had started out to become the dominating company of the film industry." During the course of the two preceding days on the witness stand he had made charge after charge against Adolph Zukor and the Famous Players Company that they were attempting to dominate the industry.

"Your company started out to be the dominating one, didn't it?" asked Robert Swaine, counsel for Famous Players.

"Absolutely," was the frank reply. "We all had that desire." "Today First National is the outstanding company, isn't it?" asked Mr. Swaine.

The witness replied that it was among the first rank companies.

Wanted Paramount Stars.
In reply to other questions, he admitted that as head of the First National Company he negotiated for the services of Wallace Reid, Cecil B. DeMille and Thomas Meighan while their contracts with Famous Players were still running. He said First National "aimed to get all the stars."

On redirect examination, going back to subjects previously touched upon in his testimony, he said that Charlie Chaplin and Mary Pickford in some instances spent more money in the making of pictures than their contracts called for, so that if the board had held to the strict letter of the contract the stars would have had a loss. He said the directors

(Continued on Page 5, Column 4.)

COURT LIFTS LIMIT ON BOOZE PRESCRIPTIONS

Knox Holds Law Fixing Pint in Ten Days Is Void and Doctor's Judgment Must Rule.

In an elaborate opinion filed with the clerk of the United States District Court yesterday, Judge John C. Knox holds void the provisions of the Volstead Act which limit the quantity of intoxicating liquor a practicing physician may prescribe for a patient. Judge Knox said: "I have reached the conclusion that the limitations of the Volstead Act and its amendments which make it lawful to prescribe one pint of intoxicating liquor for internal and medicinal use of a person, whose known ailment, if it is to be properly treated, requires the administration of a greater quantity, are void. An injunction pendente lite may issue against the defendants."

The opinion was made upon a motion made by United States Attorney William Hayward to dismiss the bill in equity filed by Dr. Samuel W. Lambert, on his own behalf and for numerous other physicians, against Edward C. Yallowley, as acting Federal Prohibition Director; David H. Blair, Internal Revenue Collector, and Colonel Hayward, as United States Attorney, to enjoin the defendants from interfering with his prescription of more than one pint of liquor to any persons within ten days, if in his opinion, such prescription should be necessary.

Believes Liquor Is Medicine.
The bill, filed several months ago, stated that Dr. Lambert was a physician in active practice and that an essential part of his professional right and duty toward his patients was to treat their diseases and promote their physical well-being according to his best skill and judgment and to that end to advise the use

of such medicines as, in his opinion, are best calculated to promote their health and to cure their ailments.

Dr. Lambert, believes liquor, in certain cases, is necessary, and that such liquor should contain more than the one half of 1 per cent of alcohol, which is made the basis of all liquors not prohibited. The bill alleges that Dr. Lambert is now treating patients whose condition, in his professional opinion, requires liquors in larger amounts than the law allows, and that he intends to prescribe such quantities as he thinks right for these patients.

It also alleges that the defendants have publicly threatened to bring legal proceedings against him if he should prescribe more liquor for any one person than the one pint in ten days, to which the law limits him.

The motion for a preliminary injunction was argued before Judge Knox by Joseph S. Auerbach, David A. Aldrich and Cornell attorneys for the complainant, and by Major John Hollen, Clark, Jr., Assistant United States Attorney, for the defendants.

Major Clark filed an answer, admitting the substantive allegations in the bill, but holding the law was within the powers of Congress. He also filed a motion, heard at the same time, to dismiss the bill.

Congressmen Practitioners.

Mr. Auerbach contended that the law practically made Congress practitioners of medicine, in that the enactment arbitrarily and without exception, presumed to predetermine just how much liquor

(Continued on Page 3, Column 1.)

HE'S TO BE DR. DREW NOW



Head of famous theatrical family, John Drew, has been given honorary degree by Dartmouth College.

DREW HONORED BY DARTMOUTH

Famous Actor to Receive Litt. D. Degree From New Hampshire College.

John Drew has been summoned to appear at Dartmouth College on June 19. President Ernest M. Hopkins of Dartmouth issued the summons, informing Mr. Drew that the degree of Doctor of Literature will be conferred upon the actor that day.

Four officials of the A. G. Coker, who has taken his job seriously and keeps right at it he will eventually be recognized. Take the case of Drew, for instance. He was born in Philadelphia November 13, 1833. Of course he couldn't help that, but he shares some of the responsibility for having appeared February 22, 1877, in a play called "Cool As a Cucumber." Some of the responsibility is all he can be charged with because John's mother was running the "opera house" and losing money the company and John wasn't yet 21.

But having started he kept at it until who? Who has more than a column of stories of plays in which he has appeared. And now he's going to be a Doctor of Literature. So there must be something to that "work and win" after all.

INDICT 13 IN BOOZE REMOVAL

Unlucky Number Changed With Getting \$3,800.00 Liquor.

(By United News to The Morning Telegraph.)
PITTSBURG, May 9.—Thirteen men were indicted by the Federal Grand Jury here today on a charge of illegally removing 80,800 gallons of bonded liquor, worth \$3,800,000, from a distillery.

The bill says that the A. G. Coker & Brothers Company, distillers and owners of the property from which the liquor is alleged to have been removed, were among those agents against whom true bills were voted.

William J. Ferries, former prohibition agent, was another.

Point for Defense.

The defense regards this as important, inasmuch as Zittel and Superintendent Harris accused McAllister of having broken the locks to force open the door of the store room.

In Magistrate Corrigan's Court, McAllister denied he had used force to open the door. On this the perjury charge rests.

Superintendent Harris testified he had a conversation with McAllister in the hall. After he spoke with the officer who the day before had been indicted for the crime of perjury in swearing at the hearing before Magistrate Corrigan that a door leading to a store room occupied by Zittel, at 300 Central Park West, was unlocked and that you had opened it by turning the knob and did not kick it in. You are at liberty to waive making a statement and the waiver cannot be used against you.

May Summon Magistrate Corrigan.
Saying that there were certain formal questions that must be asked, Judge Crain then interrogated McAllister, who answered that his full name was Robert Francis McAllister, age 23, born in New York City, had lived at 66 West 104th street for the last four years and was a detective by occupation. When the Judge asked him if he had an explanation to make he answered:

The Judge adjourned the hearing until this afternoon at 2 o'clock. Mr. Fallon said after the adjournment that it was necessary he would subpoena Magistrate Corrigan as a witness.

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ENRIGHT SWEARS TO LIBEL CHARGES AGAINST CORRIGAN

Commissioner, Under Oath, Repeats Accusation of Criminal Libel Against Magistrate and Assemblyman Cuvillier. Quotes Telegram From Albany Declaring Police Grafted.

HEARING IS SET FOR MAY 22

Zit, Vaudeville Weekly Publisher, Appears Before Judge Crain to Press Allegations of Perjury Against Patrolman McAllister, "Flying Cop," in Connection With Liquor Raid.

Police Commissioner Richard F. Enright, accompanied by his counsel, Harry Gordon, appeared yesterday afternoon at 2:25 o'clock before Judge Thomas T. C. Crain, sitting as a committing magistrate in the police bootlegging graft inquiry and swore to information charging criminal libel against Assemblyman Louis A. Cuvillier and Magistrate Joseph E. Corrigan.

Judge Crain administered the oath to the Commissioner in verification of the complaint predicated upon the publication by Magistrate Corrigan of a telegram received from Assemblyman Cuvillier April 28, this paragraph being considered by Commissioner Enright as unusually libelous.

"Ninety per cent of the police are honest and want to do their duty, but Enright and his graft collectors in the Police Department are using their power to make the citizens pay up or shut up the Legislature will pass a bill to rid the Police Department of the crooks in it. You can publish this telegram if you desire."

The information contains the entire text of the telegram and also indicates the belief of the Police Department that the Legislature will pass a bill to rid the Police Department of the crooks in it. The commissioner asks that the parties be dealt with in accordance with article 126 of the penal law of the State of New York.

Libel Charge Hearing May 22.

Judge Crain named Tuesday, May 22, at 10 o'clock A. M., as the time for the hearing.

The hearing of the case against Detective Robert McAllister, accused of perjury, Magistrate Corrigan having made the charge, was resumed when Charles Zittel, theatrical publisher, was placed on the stand.

Zittel was questioned by William J. Fallon, McAllister's counsel, about locks on the door of a store room in which Zittel kept liquor at 300 Central Park West, raided by McAllister and other officers April 14.

There were two locks on the door, Zittel said. One was a Yale, the other a Segal lock, which he described.

Having been asked to indicate the door and saw McAllister standing with his foot raised against the door. Harris returned to the phone, after which he heard another noise in the hall. This he said was the door being opened. The two prongs of the lock were also on the floor. He said he did not know what had become of the lock.

Judge Crain told him to make a search for the lock and produce it in court if possible. The witness said he did not notice if the prongs were broken or bent when he saw the lock on the floor.

Point for Defense.
The defense regards this as important, inasmuch as Zittel and Superintendent Harris accused McAllister of having broken the locks to force open the door of the store room.

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Arnold, Constable & Co.

FIFTH AVENUE at FORTIETH STREET

TO-DAY—(get all you will need for the Summer!)

A Sale of 12,000 Pairs Men's Socks at 75c.

Fine socks.
True sizes.
Full length.
Well shaped.
Fast colors.
Perfect.

Gordon socks,
of thread silk
lisle reinforced.
Imported lisses,
silks, cottons.
Sizes 9½ to 12.

1.15 to 1.50 socks.
Black. White.
Navy Blue.
Browns. Greys.
Mottled mixtures.
Plain. Clocked.

8,400 pairs, made too well

Fact. The cost of making them, without compromising on the quality, has for some time been too high, to keep them within their established price. So the makers have discontinued making them, and we were given the socks on hand at the factory at a price which permits us to sell them at less than wholesale.

And 3,600 pairs, mostly imported.

All socks of one size on one table for quick choice.

PERSONALITY DEVELOPED BY DRESS, SHE SAYS

Mlle. Marceline D'Alroy Completes World Tour in New York to Teach Individuality.

SAYS BUSINESS CRAMPS GIRL

"Develop your personality through dress," is the slogan of Mlle. Marceline D'Alroy, Parisian authoress and expert on fashions, who has arrived in New York to give a series of lectures to women on the ever-important subject of clothes. Mlle. D'Alroy has made this city the end of a world tour, lecturing and presenting a group of plays on fashion en route. She began the long swing in London, from whence she sailed for the Antipodes.

After lecturing in Australia, New Zealand and Tasmania, she set out for America, stopping on the way at Honolulu. Arriving at San Francisco, she immediately took the handiest flyer for New York and reached here last Saturday. In an interview yesterday Mlle. D'Alroy disclosed some original ideas about the influence of business life on women. She declared it was all right for girls to work, but it cramped their individuality.

"The routine of business acts as a localizer," she said. "Girls are apt to get in a rut in thinking. They become efficient at business, but they keep them from spreading out in the knowledge of other things and so limits their personality."

Should Gain Wide Knowledge. "A woman should attempt to grasp many subjects, not confine herself to business and its own problems."

Mlle. D'Alroy applied this theory especially to American women, who she considered were naturally the most beautiful in the world. "They have the beauty, they have the clothes and they know how to wear them," she explained, "but in a majority of cases they lack that certain individuality that marks the French woman when it comes to dress."

"That is what I want to teach, how to acquire the personal touch that makes each woman stand for herself. It is all summed up in the knowledge of how best to dress oneself according to one's type—what kind of gown goes best with a certain kind of figure—what color goes best with a certain complexion. That is the solution. Women should dress from the inside out, should use their imagination and not take their ideas without alterations from styles set on paper."

Face and Gown Agree. Mlle. D'Alroy, in support of her theory, gave as an example the use of the new shade, "mountain haze." If a gown of that hue is worn she declared the woman should use a make-up to go with it, consisting of an orchid powder and a rouge with a purple tone.

"Every woman should accentuate the beauty she thinks she has," said the authoress. "The present tendency of women to go without cosmetics came in for her condemnation. She believes stays will come back, that they must come back. She pointed out that women now put on corsets only when it becomes necessary, or when they wish to look particularly nice."

"It should be the other way around," she said. "The corset should be worn practically all the time and taken off

Mlle. MARCELINE D'ALROY.



Parisian authoress and fashion expert, who has arrived in New York after a world tour to give a series of lectures.

only when the woman wants to appear nice. How is it you say? An ounce of prevention is better than a cure. And, besides, they are a fine moral support."

PLANNED HONEYMOON GOES TO WORKHOUSE

Magistrate Shows No Mercy to Pickpocket Who Pleads Guilty.

Tears of two pretty women failed to save two pickpockets with long records from being sent to the workhouse by Magistrate Jesse Silbermann in Essex Market Court yesterday. They were given terms of six months each. The men sentenced were Erving Mandelblatt, 26 years old, of Seventh street, and Samuel Graff, 25 years old, of Seventh street, arrested Sunday at Delancy and Norfolk streets, by Detective James Stanley of the Pickpocket Squad. They pleaded guilty.

The woman pleading for Mandelblatt was his wife, Minnie, who begged the Magistrate: "Please give him another chance. I have a sick baby at home and don't know what I'll do if he's sent away."

The woman pleading for Graff said she was his fiancée and they were to be married next week. She fainted when the Court pronounced sentence.

"I have no sympathy for pickpockets," the Court stated, disregarding the pleas of the sobbing women. "Mrs. Mandelblatt went to her husband's cell to console him. 'I hope this will be a lesson to you,' she said, 'and when you come out you will turn over a new leaf.'"

NED WAYBURN
STUDIOS OF
STAGE DANCING
1641 Broadway
NORTHWEST COR. 57 ST.

1ST NATIONAL HAD DOMINATION URGE

(Continued From Page 1.)

allowed them a share in the profits which reimbursed them. In the contract between Charlie Chaplin and the First National for eight pictures for \$1,000,000, the witness said, Chaplin spent so much on the production of each that the directors allowed him \$100,000 additional for expenses in connection with each picture. Through a special arrangement Chaplin received 70 per cent. of the gross receipts for "The Kid." In addition to the \$100,000 for expenses and one-eighth of the \$1,000,000 for eight pictures. The gross receipts amounted to \$1,400,000 for this picture, so that it brought Chaplin more than \$1,000,000. Mr. Williams said he thought Chaplin was a good business man.

Many Got Extra \$100,000. Mary Pickford was also allowed \$100,000 extra for expenses for each picture because of the heavy production cost she incurred. First National's policy at that time was to require the star to produce the picture out of the contract price, the company paying for the delivery of the negative.

The testimony thus far has not shown that any company or group dominated the field, regardless of what their hopes have been, but it does make clear that the scramble for contracts with stars caused money to flow like water.

The conclusion of Mr. Williams' testimony closed the morning session. At 2:30 o'clock Joseph C. Boss of 123 Eleventh street, S. E., Washington, D. C., took the stand and remained until the hearing recessed for the day. He will be on the stand at 10:30 o'clock this morning.

It is now estimated that the hearings may last a year. Sessions are yet to be held in Philadelphia, Boston, Atlanta, New Orleans, Los Angeles and San Francisco.

Mr. Boss was one of the most interesting witnesses yet heard, although his testimony has not yet become pertinent to the issue. The entire afternoon was again in laying a predicate for what is to follow, but it gave him an opportunity to tell his very entertaining story as an exhibitor since 1904. He began with a vacant store in Philadelphia, seating capacity 100 and admission five cents. That was back in the days of no fire exits, still less ventilation and films which required just enough plot to introduce a grand chase. In the van guard were the small boys and the dogs; bringing up the rear was the ubiquitous fat woman pushing a baby carriage.

The show ended with the whole mob running into a lake. Even the custard pie was yet to be invented. Mr. Boss said he did so well with this venture that he started another, and he added with pardonable pride that the second show had a seating capacity of 150. Then in 1908-9-10 he opened a show in Washington, D. C., in 1911-12-13-14 he had shows in Norfolk and Newport News, Va. In 1914 he had three shows in Miami, Fla.

Clear to Witness. Counsel tried by questions to make it clear just when he closed his operations in one town and began in another. It was all very clear to Mr. Boss and he explained it quite readily, but to the others present it was about as enlightening as a rapid-fire explanation by a man the Great on the subject of how to fish a bunny rabbit out of a silk hat.

He opened and sold or closed picture shows with a dexterity reminiscent of the way Poker Pete used to deal stud on a busy Saturday night in Red Guleh.

When the war came on he suddenly retired from the field and sold supplies to exhibitors. Later he went on the road with a picture which he had made while in Miami. It was called "Catching Man-eating Sharks."

When he arrived in McAlester, Okla., with this picture, he discovered that the town had been shot to pieces and he resolved to establish one. He looked up the representatives of Paramount Pictures and made contracts. Then he spent \$20,000 remodeling and enlarging a building. At this point in his testimony there was an interruption of more than a hour while the contracts and correspondence relating to the war was introduced and filed as part of the record.

Mr. Swaine, counsel for Famous Players, objected at this point, arguing that all the transactions indicated in the testimony related to contracts made in Oklahoma City, for the showing of films in McAlester, and that the Oklahoma City so that no interstate question was involved. Mr. Swaine took the position that the films had been shipped by Paramount to McAlester, and that the contracts which followed were between two Oklahoma parties. The objection was overruled. Mr. Boss will again be on the stand at 10:30 o'clock this morning in the Engineering Society's Building at 20 West Thirty-ninth street.

NEGROES WHO KILLED 2 ON ROOF GO TO PRISON

Judge Mulqueen Inflicts Limit. Saying He Opposes Commutation in Murder Cases.

Two men and a woman, all negroes, who had pleaded guilty to murder, second degree, following the death of two white men they lured to the roof of a building in West Fifty-ninth street for the purpose of robbery several months ago, were sentenced by Judge Joseph F. Mulqueen in General Sessions yesterday to from twenty years to life in State Prison.

They are Leon Singleton, 19, of 3 East 134th street, the Bronx; George Oliver, 24, of 15 East 107th street, and Beatrice Penney, 28, of 2108 Madison avenue. Singleton and Oliver will have to spend about twenty-six years each in prison. They were each sentenced for two murders, the second sentence to be in at the expiration of the other.

While the Penney woman lured the white men to the roof of buildings, Singleton and Oliver followed and robbed them. Last September they strangled to death on West Fifty-ninth street roofs two white men—Louis Rothstein, an insurance agent, of 224 West Sixty-ninth street, and Samuel Kern, a baker, of Astoria, L. I.

Judge Mulqueen, in imposing sentence, said that he was not in favor of commutation in murder cases, and that when a murderer is given life imprisonment it should mean life.

TELEGRAPH TIPS ON FASHION

The Welcome Shade of a Brim.

by ELEANOR GUNN.

As a change from the inevitable cloche shape, Paris is focusing her attention on berets and Bretons, but seemingly it is difficult for them to avert women from the flattering path of the shadowy cloche.

The model shown is of pinked navy taffeta, the roses being a lovely peony pink and the pendant ribbons a soft old blue in tone. Even when the dog days are upon us, women cling to felts and French milliners, sensing their reluctance to give them up, have evolved interesting combinations of organdie with felt and eyelet embroidery, a material which is used also with straw and velvet by the modiste. Brims which turn down and not up, do seem the most appropriate for sunny days, even though they be transparent enough to let the sun cast shadows beneath.

Typical of the use of lace with straw is the mushroom shape sketched only in this particular model. Tuscan lace or lace straw if you like, is used with taffeta. There has been, for some time, a concerted movement to which effect fashion hair braids. Tuscan laces and other openwork straws.

The reason to date has paid homage to Milan, but this straw adaptable as it is elegant, is better for early and late wear rather than for Midsummer, unless something is resorted to make it lightsome in effect.



Surely you have noticed the marked tendency some hats have to mount to considerable heights at the back. Although the band is not without the range of possibilities, raising the hat and even tipping it a little, usually results in the hat back, which effect is aided by ribbon or flower displays. Hats of this type are in harmony with the bustle silhouette and are even dubbed bustle hats, but they accomplish something in striking a new note, for one wears hats which are indefinite in line and silhouette and assume no other than that which follows the head. Hats which are charming replicas of the days of Louis XVI, are not unusual, and it is German of all French milliners, who is not addicted to this picturesque type.

For sportswear and general utility, too, for that matter, scarf draperies are more high. The scarf may not be as scarce at all, but a wide ribbon, or even lace, for the made lace veil finds its greatest field of usefulness as a hat trimming, and is rarely worn over the face, although it sometimes gets as far as the bridge of the nose.

(Copyright, 1923, Fairchild.)

U. S. AERO BODY ASKS FOR NEW FLIGHT RULE

Existing International Rules Rob Kelly and Macready of Official Record.

(Special Dispatch to The Morning Telegraph.) WASHINGTON, May 9.—The National Aeronautic Association, through its committee, Col. E. P. Lahar, of the army General Staff, therefore anticipated by several months a performance which would show the injustice of this restricting rule. The wonderful cross-country flight of Macready and Kelly did this convincingly.

"The F. A. I. is charged with the international regulation of aeronautics for the purpose of making comparable the results of all trials, races, etc., also with actual supervision of aeronautical activities. As the American representative of the association, the contest committee, through its chairman, Col. E. P. Lahar, of the army General Staff, therefore anticipated by several months a performance which would show the injustice of this restricting rule. The wonderful cross-country flight of Macready and Kelly did this convincingly.

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The plans for national recognition of the achievements of Macready and Kelly are not now wide indorsement, and interesting details of the ceremony will shortly be announced from Washington headquarters of the N. A. A., was stated.

John W. Wamsley
Broadway at Ninth, New York

Hosiery Sale for Women and Children

14,200 prs. Silk Stockings
3,240 prs. Children's Socks

It is a Big Sale, as any one will realize who sees the large number of pairs of stockings and socks which will be on the Main Aisle of the Street Floor to-day.

It is a Sale of low prices and of right prices, carefully established by comparisons with those of other stores.

It is a Sale of high grade stockings. Two groups of the women's silk stockings are by a manufacturer so well known and so universally trusted that people have been asking us for a sale of his stockings. All the others are by makers whose standards are synonymous with excellence.



If you have followed, as we have, the advertising of several of the nationally known stocking-makers lately you will realize they are preparing us—and you—for higher prices likely to come very soon.

NOTE—Some of the stockings are firsts—perfect. Others are "seconds" and "irregulars." But, as a matter of fact, many of these are so nearly perfect that it is difficult to find the little blemish which classes them as "seconds."

Women's Silk Stockings

55c pair

Seconds of the \$1 grade

4,600 pairs, pure and artificial silk mixed. A stocking with a sheen. Mock-seam leg, mercerized cotton tops, toes and heels. Black, white and best shoe shades.

\$1 pair

Our \$1.75 grade

1,200 pairs—firsts, perfect, of silk and artificial silk mixed, seamless but the legs woven by a special process which makes them fit almost like a fashioned stocking. Self-raised vertical stripe. Black, cordovan, brown, gray, white and golden heather brown.

\$1.15 pair

Irregulars of the \$2 grade

2,400 pairs, pure silk, full-fashioned with mercerized cotton tops and soles. A good medium weight stocking in black and a number of the best shades.

\$1.25 pair

for the \$1.95 grade

1,000 pairs, perfect imported full-fashioned sheer weight silk stockings with mercerized cotton tops and soles. Black only.

\$1.45 pair

Seconds of \$2.65 to \$3.25 grades

2,400 pairs, pure silk, full-fashioned in three styles—

1. Clifton weight, all silk, with the high panel heel.
2. Light weight, with the new panel back running from heel to top. All silk except mercerized cotton soles.
3. Medium weight, mercerized cotton tops and soles.

Colors—black, gray, beige, brown and other shades.

\$1.95 pair

For the \$2.50 grade

2,400 pairs, full-fashioned stockings, some all silk, others with mercerized cotton soles. Medium weight. Black, gray, brown, beige and other shades.

Children's Socks & Sports Stockings

28c pair

Our 35c and 50c grades

1,000 pairs, imported socks, full-fashioned, of mercerized lisle thread with plain and striped tops. 1,400 pairs, three-quarter length socks of seamless mercerized cotton in white and colors with turnover tops in gay contrasting colors.

55c pair

Our 85c grade

840 pairs of sports stockings of ribbed mercerized cotton with turnover tops and side, clocking in contrasting colorings. Champagne, white, cadet blue, beige, putty, black.

Main Aisle, Old Building.

Occasion! Women's Skirts

\$8 \$10 \$12

Our \$11.50 to \$18.50 grades

Waistbands

28 to 36 inches.

Lengths

33 to 37 inches.

Every type of skirt—from

Hiking skirts of smart woollens;

Pleated skirts of silk or wool crepe; to

Draped skirts of black silks for matrons.



White silk skirts for seaside and country wear.

Black, navy blue, beige and gray silk pleated skirts to wear with the new jackets.

Some of the pleated skirts have bodice fronts attached.

All of the skirts are mounted on very narrow bands—scarcely more than an inch wide—which do not ride over the top of the new corsets.

At \$8—Skirts of smart woollens—some imported; sports silks and silk-and-wool faille.

At \$10—Many pleated skirts of wool crepe, flannel, silk crepe and sports silks. Also dressy skirts—some draped—of black and navy blue silks.

At \$12—Box and side pleated skirts of crepe de chine, of sports silks and silk-and-wool faille. Draped silk skirts of sports silks and silk-and-wool faille. Draped silk skirts.

Second Floor, Old Building.

GREATEST
AMUSEMENT
AND
DRAMATIC
PUBLICATION
IN THE WORLD

The Morning Telegraph

RACING
FINANCE
THEATRICALS
BOXING, POLITICS
MOTION PICTURES
GENERAL SPORTS

Vol. 101. No. 138.

NEW YORK, WEDNESDAY, MAY 16, 1923.

PRICE TEN CENTS.

THE TOWN IN REVIEW

AND now the hind-sight prophets are saying of Big Joe: "Where there's a Willard there's a way."

AT that the Milk Fund rumpus is one of the few occasions on which milk has been extracted from a beef display.

IT seems probable that while building laborers' wages continue to go up the buildings themselves cannot.

AN even more certain sign of Spring than all the others put together is the advance advertising on what the beaches will allow to be worn, or dispensed with.

IT would be hard to convince an artist that women's swimming events should not allow form to play a greater part than it does.

EXCITABLE correspondents place the number of bandits in China at almost as large a figure as we have on hand in this country.

AS with individuals it is dangerous to reduce naval and military systems with too great rapidity.

A MILLION-DOLLAR hotel is being planned for Coney Island. It will shut out a lot of "atmosphere."

IF the Soviet should declare war on England, as is not unlikely, what would the Labor pacifists of Great Britain do—take it lying down?

A GERMAN deputy has started a hunger strike in a French prison and my guess is that the French will let him get away with it.

SOMETHING is wrong when a steady rain this season of the year is not accompanied by thunder and lightning.

POLICE officers of the country have been invited to attend the school of instruction for marksmanship at Camp Perry, O., under the auspices of the army. I would prefer to see them practice on the local payroll range.

Virtue America.

THE street fair in Park avenue netted approximately one-fourth as much in a week as the boxing carnival netted in an afternoon.

AS usual it was the small retail dealer in flowers who saw in Mothers' Day an opportunity for exploitation.

"SEXES to Mingle in Hall of Fame"—Headline. Where's John Sumner?

AGENTS are hiring negro labor in the South for work in Connecticut. As Northern labor agents are not popular in the South we look for a renaissance of the "underground railroad."

AFTER all it seems that public opinion can penetrate as far as Florida.

TENNIS has become popular in China within the last few years, and look what happened.

WILLARD seems to be the grand old slam of his profession.

I LIKE "venom note" better than I do "poison pen." Not much better, but some better.

IF it be true that a number of men have been writing unsigned attacks, Europe is apt to receive some undesirable acquisitions to its population during the next few weeks.

I WONDER how many persons would brave a storm to occupy seats in the stadium if Einstein were going to deliver a lecture there on relativity.

DEMPSEY will pick from out the list
A foreman worthy of his fist.

A RECENT calculation places the assessed wealth of the United States at a sum \$30,000,000,000 greater than it was at the close of the war. Another reason why Uncle Sam should underwrite Europe's decadent credit.

CANADA seeks reciprocity with the United States. All right. Let the Canadians begin by not hissing the American flag every time it is displayed across the border.

THE punch put the "Will" to victory in Willard.

NOW that the tax exemption law has been declared valid by the highest court it is time for the material men and workmen to chalk up another raise.

IF two elderly actors must come to blows I suggest that they use back number press clippings as weapons.

IT is a pity that the maternal slipper cannot be invoked to settle any quarrel over Mothers' Day celebrations.

IT is all very well to dedicate one day a year to celebrating the institution of motherhood. But it is well to remember that they are just as much mothers on the other 364 days, too.

IF the American Nature Association is to found a "rogues' gallery of insects" how would you like the job of taking the fingerprints of the thousand-legged caterpillar?

WHEN the original of the Constitution of the United States is placed on exhibition in the Library of Congress some of our vociferous Senators and Representatives who refer to it so frequently and fondly had better go over and see what it looks like.

HERE is a prince who is not in sympathy with his people. Wales says he dislikes the term "royalty."

IF Russia and Great Britain go to war it probably will be the entering wedge for the establishment of more British colonies.

ISN'T it a bit incongruous for the "Home, Sweet Home" celebration and the sugar boycott to synchronize?

BEAU BROADWAY.

ZEV WINS RAINBOW AS FINAL TRIAL FOR KENTUCKY DERBY

Rancocas Stable's Fast Colt Again Outfoots Smart Opposition in Stake Feature at Jamaica and Works Out Mile and a Furlong in 1.55 as Test for Western Race.

FLY BY DAY BEATS HOW FAIR

H. P. Whitney Filly Takes Measure of August Belmont's Representative by the Shortest of Margins in Six-Furlong Dash — Dauntless Displays Speed to Defeat Juveniles.

WINNERS AT JAMAICA.

FIRST RACE.
Dauntless, 9 to 2 straight, 4 to 5 place and 2 to 5 show, won. Cave Woman, 5 to 1 straight, 2 to 1 place and even show, second. Dramatic, 5 to 1 straight, 2 to 1 place and even show, third.

SECOND RACE.
Fly By Day, 2 to 1 straight, 2 to 1 place and 2 to 1 show, won. How Fair, 3 to 1 straight, 1 to 1 place and out show, second. Paw Paw, 1 to 1 straight, 2 to 1 place and 1 to 3 show, third.

THIRD RACE.
Pari, 7 to 2 straight, 7 to 3 place and 7 to 10 show, won. Zouave, 7 to 1 straight, 5 to 2 place and 5 to 5 show, second. Sweet and Pretty, 30 to 1 straight, 10 to 1 place and 5 to 1 show, third.

FOURTH RACE.
Zev, 5 to 2 straight, 4 to 3 place and 1 to 3 show, won. Donquixote, 12 to 1 straight, 4 to 5 place and 1 to 3 show, second. Rigel, 5 to 2 straight, 4 to 5 place and 1 to 3 show, third.

FIFTH RACE.
Lady Audrey, 8 to 1 straight, 3 to 1 place and 3 to 5 show, won. Norham, 12 to 5 straight, even place and 1 to 2 show, second. Forest Flower, 30 to 1 straight, 10 to 1 place and 5 to 1 show, third.

SIXTH RACE.
Son-O-Line, 9 to 2 straight, 2 to 1 place and 2 to 5 show, won. Athelstan, 8 to 1 straight, 3 to 1 place and 8 to 5 show, second. Battersea, 6 to 1 straight, 5 to 2 place and 6 to 5 show, third.

By JOHN J. FITZ GERALD.

Derby hopes still linger in the breast of Sam Hildreth. Despite the decisive defeat of Zev in the Preakness Stakes, he continues to regard that colt a stayer. This fast fellow was a last min-

(Continued on Page 5, Col. 4 & 5.)

DOLORES BECOMES BRIDE OF W. TUDOR WILKINSON

"Follies" Beauty Is Married to Well Known American Turfman and Art Collector.

PARIS SCENE OF CEREMONY

(Special Cable to The Morning Telegraph.)

Dolores, the star show girl of the "Ziegfeld Follies," was married last Saturday to William Tudor Wilkinson, turfman and art collector, it was learned today. The marriage took place in the mairie of the First Arrondissement and afterward at Oratoire du Louvre.

The ceremony, which had been planned for some time, was a quiet one, with Dudley Field Malone and his wife, Doris Malone, as the only witnesses.

Dolores, whose off-stage name is Kathleen Marie Rose, met Mr. Wilkinson at the time of the armistice celebrations, and their friendship had run a smooth and unbroken course. Although the bridegroom had spent much of his time on this side, his frequent trips back to America offered the chance to renew relations.

Asked what plans he had made for his honeymoon, Mr. Wilkinson said: "There will be no honeymoon in the ordinary sense of the word. We hope the whole of our lives will be one long honeymoon."

"We shall be staying in Paris for some months and then we shall probably go to America before the summer is over."

Mr. Wilkinson is well known as a

COMPOSERS PLAN TO BACK MAXWELL

Society of Which He Is President Meets To-day to Give Him Vote of Confidence.

SEEK WOMAN AS WRITER

Members, Declaring Indicted Man Himself Is Victim, Deny Existence of Typewriter Mentioned.

Friends of George Maxwell, indicted on "poison pen" charge, especially the 300 members of the American Society of Composers and Authors, with headquarters at 56 West Forty-fifth street, are rallying to the support of Mr. Maxwell, their leader for nine years, who has endeavored, it is said, to resign repeatedly, always consenting to remain at the solicitation of the membership.

This afternoon at 3 o'clock there will be held a meeting of the members, probably with Secretary Glen MacDonough presiding, the purpose being to register a vote of confidence in Mr. Maxwell's character and belief in his innocence. A cablegram will be sent to Mr. Maxwell, explaining the action of the membership and the pledge that every man will stand by him in his fight to clear his name.

The members of the organization, of which Mr. Maxwell is the leading spirit, resent the attack made upon him, saying that he is the victim of a well-conceived plot, originating months ago.

It is known that Mr. Maxwell himself received innumerable letters as venomous as those written in the wires and hundreds of persons high in social and business affairs in this city, Philadelphia, Washington and elsewhere.

These letters Mr. Maxwell showed to several members of the American Society of Composers and Authors. All vile libelous denunciations, they were typed, unsigned and bore no mark as to the identity of the author.

Mr. Maxwell said he was unable to account for a motive other than that an effort was being made to ruin him.

It is denied by members of the American Society of Composers, Authors and Publishers that a certain typewriter, used in the headquarters-office in writing the letters, had disappeared. Such a typewriter, they say, has never been owned by the society. They do say that the letters received by Mr. Maxwell and the letters he is accused of having sent were written on the machine.

Mr. Maxwell, it is said, does not know how to manipulate a typewriter. Detectives are following a clew which implicates a woman as the author of the letters.

The statement was made last night that Mr. Maxwell had been cabled that he need have no fear as to the outcome of the case insofar as he is concerned, also that he need not curtail his visit abroad to come back to defend himself.

Mr. Maxwell's mission in Europe concerns the signing of a treaty, settling definitely all argument between the writers, publishers and purchasers of American-made music.

When District Attorney Joseph H. Banton was asked last night if George Maxwell, indicted for forgery in the third

(Continued on Page 2, Column 6.)

SHE "VANISHED" TO BOSTON.



Lydia Lindgren, singer, who absconded with her husband's car in his automobile while she went to get naturalized.

MISSING SINGER FOUND IN BOSTON

Lydia Lindgren Went to Get Naturalization Papers. While Husband Tore His Hair.

BEGAN NATION-WIDE SEARCH

There are men who will misplace a wife and not be able to remember when or where they last saw her. Why, men who know perfectly well where their wives are sometimes forget to go home. Husbands are an absentminded crew, as a rule.

But Raoul Quercy, formerly of Italy, and now of 40 North Twenty-third street, Flushing, L. I., isn't that way at all. When he thinks his wife is lost, strayed or stolen, business picks up in police headquarters, hospitals, missing persons bureaus, telephone offices—well, it becomes a hectic day. He's just that way. He gets excited. He's Italian, and a singer, and—well, temperamental.

Mrs. Quercy is better known as Lydia Lindgren. She is from Sweden; she sang with the Chicago Grand Opera Company in 1915, with the Century Grand Opera Company, and in concert. They sang together at the dinner to Police Commissioner Enright at the Hotel Astor three weeks ago.

On Monday afternoon Raoul was sitting in his automobile at Bowling Green while his wife went to a lawyer's office at 120 Broadway on business. She was to return at three o'clock, but she hadn't arrived at four o'clock. Raoul ought not to have taken that so seriously, but he was married only last February. Any-

way, he went to look for her at the lawyer's office and learned that she left there an hour before. That was when Raoul went up in the air and began sending telegrams to every one he knew and every one she knew. That was quite a list.

Not having heard from her he had a nation-wide search begun by the police yesterday morning. The missing wife was wearing \$15,000 worth of jewelry at the time she disappeared, so descriptions of that were sent out to aid the police. Hospitals were called and the usual procedure which sets in motion a country wide search commenced.

And yet it must be admitted that the machinery worked fairly well. Yesterday afternoon Lydia Lindgren was discovered in Boston, where she had gone to look after her naturalization papers. Yesterday was the last day for that important detail, and she knows what a lot of bother it is to get a passport without them. They are to sail for Europe in two weeks. She happened to think of all that while in the Equitable Building, so she just skipped over to Boston and attend to it, leaving one perfectly good husband marooned at Bowling Green, tearing out hair and growing slightly wilder every hour.

The description which the police sent out follows: Lydia Lindgren, aged 32 years, 5 feet 11 inches, weight 160 pounds, blue eyes, blonde hair, light complexion, sable coat, blue serge dress, satin hat, green feathers, cream silk stockings. Even leaving out the \$15,000 worth of jewelry, it is easy to sympathize with Raoul.

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WARD DECISION DUE TO-DAY.

Appellate Division Expected to Announce Opinion on Cables.

(Special Dispatch to The Morning Telegraph.)

ALBANY, May 15.—Attorney General Carl Sherman and his deputies, who are conducting the State investigation into the slaying of Clarence Peters of Haverhill, Mass., by Walter S. Ward of New Rochelle last May, expect a decision of the Appellate Division of the Supreme Court in the Ward's appeal from Justice Staley's ruling making the Ward "blackmail cablegrams" available to the State.

FILMS IN INFANCY, THOMAS E. EDISON TELLS U.S. INQUIRY

Inventor of Motion Pictures and Commissioner Tigert, Witnesses at Trust Hearing, Declare They Are Still in Embryo and Some Day Will Become of Greatest Educational Value.

BOSS MODIFIES A LITTLE

Oklahoma Theatre Owner, Who Testified He Was Put Out of Business, Admits Paramount Tried to Help Him Get First National Pictures—Cancellations Were Mutual.

Motion pictures already have a greater influence upon the American mind than public schools in the opinion of John James Tigert, United States Commissioner of Education.

Thomas A. Edison, who was busy away back in 1887, laying a foundation for "Charlie Chaplin" funny feet to amuse the millions, said yesterday that the motion picture is still in its infancy. He described in detail a test he made to show that children of ten years or younger could be taught chemistry and physics with motion pictures and regard it as light entertainment in spite of the fact that eighteen-year-olds often find whole volumes on the subject produce nothing but a headache, complicated by a desire to run away to sea.

These opinions and many others equally interesting went into the record yesterday afternoon at the hearing before a commissioner of the Federal Trade Commission, who is taking testimony to determine whether the Famous Players-Lasky Corporation and other defendants are acting in restraint of trade. Mr. Edison and Mr. Tigert had nothing to say on the question of patents. Their testimony was merely to show the importance of the motion picture business to the nation. Neither witness was cross-examined.

Mr. Boss Relinquishes Stand.

Joseph C. Boss of Washington, D. C., who formerly operated a motion picture theatre in McAlester, Okla., was on the third day of his endurance contest as a star witness when there was a stir in the rear of the courtroom. Presently, a kindly, elderly gentleman with blue eyes beaming good nature from beneath bushy eyebrows that stick right straight out, came forward. Every one in the courtroom had seen that face before. Mr. Boss was brushed aside and the new arrival took the stand.

"State your full name," requested counsel for the Government.

"Thomas A. Edison."

"When did you first become interested in motion pictures?"

"About 1887. After getting the phonograph, I thought I would try to do for the eye what I had done for the ear. I made a machine called kinetograph. I took the pictures at the rate of one second to get a good motion. Now they take only fifteen. It's cheaper. I didn't show them on a screen. They were to be run through a little in a box, and would hold up to your eyes by a handle."

"When did you take out your first patents?"

"Stopped Getting Patents."

"I didn't take out patents for two years. I didn't attach very great importance to the thing. I didn't think enough of it to patent it in Europe at all. But after I had taken out patents my troubles began. It seemed that the thing would relate to the show business and I didn't know a thing about that. I haven't taken out any more patents in connection with motion pictures for ten years."

"Give your impressions, Mr. Edison, as to the relative value of the various senses as avenues for receiving education."

"About eighty-five to ninety per cent. of the ideas come through the eye. I have always believed in the motion picture as the proper equipment for teaching. It is much better than books. At one time I had a vision of remaking the public schools of this country, to teach everything with motion pictures, but I ran into the schoolbook publishers and saw that I would be beaten. For instance, I conceived the idea that children of eight to ten years of age could be taught chemistry and physics with motion pictures, and I made a film for that purpose. Then I selected twelve children, so as to try it out on the dog, as they say. I found that they understood nearly all of it. The parts they didn't understand I made over again. I proved that they could understand eighty per cent. of the subject matter on the first run."

Condon't Buck Book Publishers.

"Then I summoned editors from New York to see the test. They were delighted but they went back to New York and never did anything. I saw that I was up against the book publishers and would be defeated. Books are a very poor means for teaching. Children don't like them. Very little is taught through the ear except music, while the motion picture scores about 100 per cent. for teaching anything. I recall the case of a man who had a machine for making bottles very rapidly and very cheaply. He tried to get people to look at it but they wouldn't. I made a motion picture of his machine in operation. He took the pictures to Europe."

MURRAY'S TO QUIT, DRY LAW BLAMED

Famous Roman Gardens, on Street, Will Close Doors Sunday, Announces Corporation's Head.

CABARETS NEED LIQUOR

The Prohibition Amendment has won another victory on Broadway. Murray's Roman Gardens, on Forty-second street, between Seventh and Eighth avenues, will close its doors on Sunday night, and the rigors of prohibition are given as the primary cause of its demise.

Not that the restaurant has served liquor unlawfully, for there have been no arrests of members of its staff, or of its officers for violating the Eighteenth Amendment, according to Charles W. Groll, president of the corporation which has controlled its destinies for the past year. But he has found that, without liquor, people will not patronize an institution of its kind in paying quantities.

"The nervous strain of being responsible, not only for our own employees, but for our patrons, too, is not worth the effort," said Groll. "And people are being frightened away from cabarets by the possibility of police raids."

"I have a lease on this building for sixty-seven years," he continued. "But, with the lapse of one year we are forced to conclude that the building occupies land too valuable to be devoted to a non-profitable enterprise of this sort."

So for four months the place will be in the hands of Thomas W. Lamb, an architect, and his contractors. When they have finished their work the ground floor will be remodelled into a new business, some of many parties, will be the "Shoppes," according to the architect; and the remainder of the building will be non-housekeeping hotel apartments.

Murray's has been a landmark in the "Roaring Forties" for many years. In all the luminous stretch of Broadway, this has been one of the gayest and most luminous spots.

But with the advent of prohibition its fortunes declined. The famous fountain went its last and dried up in 1918. And now the revolving dance floor is on its last few revolutions.

After spending a year in this business, Groll declared, "I have discovered that liquor was the motive force that made these places possible. When we

(Continued on Page 3, Column 7.)

THE WEATHER.

Continued cloudiness to-day. Tomorrow fair with increasing temperature.

HOT SPRINGS HIT BY TWIN STORMS

Cyclone, Followed by Rain, Does \$2,000,000 Damage in Arkansas Health Resort.

SEARCH RUINS FOR DEAD

(By United Press to The Morning Telegraph.)

HOT SPRINGS, Ark., May 15. Property damage exceeding \$2,000,000 was done in the storm which swept over Hot Springs last night and early to-day, according to Mayor H. A. Jones of this city.

A semi-complete check-up failed to reveal any lives lost.

Reckless workers, pushing through tangled and twisted debris, soaked by the flood that inundated the city, found only one person injured, Jones said. This was Mrs. Christiana Howell, whose injuries, the Mayor said, were slight.

Seventeen persons had previously been reported dead or missing, but no bodies had been recovered early Tuesday night.

The cyclone, which struck here early Monday night, was rapidly followed by surging torrents from the mountains, which soon reached a crest of ten feet in the main section of the town.

Store buildings collapsed from the force of the waters, merchandise was swept away, motorists in their cars were left stranded.

In the wake of the flood, fire caused by lightning broke out about midnight and added to the horrors of the catastrophe. The Marquette Hotel was one of the first buildings to be enveloped in flames. It was totally destroyed. The Grand Rapids Furniture Company was also swept by flames.

All guests in the hotel are believed to have escaped, as they had remained awake on account of the early storm.

The fire department, handicapped by the high water and debris in the streets, made little headway in controlling the flames. But the steady downpour of rain which continued through the night finally conquered the fire and practically all burning buildings were extinguished by early dawn.

As daylight began to light up the scenes of twisted wreckage lying in slimy mud and water, rescue parties made up of staffs from the army and navy hospitals began searching for the dead and injured.

All means of communication were cut off by the tornado, flood and fire. Train service with the stricken storm district was impaired, but a Missouri Pacific wrecking crew immediately rushed to the storm district and were busy repairing culverts washed out by the flood.

Streets of the tracks are still covered with water, but a train left Little Rock, Ark., at 3 o'clock Monday for Hot Springs.

The storm that hit this city may have been the follow-up of the twister that swept through the Texas Panhandle early Monday, leaving a score of dead and more than one hundred injured in its wake.

Oklahoma suffered a terrible rainstorm Monday night, with much electrical disturbance, one being reported killed by lightning at Wicket.

INDICT M'MANUS IN FULLER CASE

Salesman, Accused of Attempting to Bribe Juror Through Employee, Sent to Tombs.

COUNSEL EXCHANGE VOLLEY

Edward J. McManus, 48 years old, salesman, of 89 West Ninety-seventh street, was indicted yesterday on a charge of attempting to bribe Howard S. Biedelman, electrician, of 57 West 128th street, juror No. 9, in the trial of Edward M. Fuller, bankrupt stockbroker, charged with bucketing orders and on trial. Mr. McManus was arraigned before Judge Charles C. Nott and committed to the Tombs without bail. Last evening habeas corpus proceedings were instituted in his behalf before Supreme Court Justice Irving Lehman. The Justice fixed bail at \$15,000, which counsel said would be furnished.

McManus was indicted principally on the testimony of Miss May McMan, secretary to Juror Biedelman, who told of two conversations with him. On learning that detectives were looking for him, McManus went to the District Attorney's office, where he was questioned for nearly an hour. He said Miss McMan had misinterpreted his conversations with her. She said he offered Mr. Biedelman \$1,000 for a firm stand of not guilty in the Fuller case now on trial. McManus admitted lingering about the Criminal Courts Building, but said he was prompted merely by curiosity about so notable a case.

The indictment of McManus brought forth warm statements from counsel for Fuller and from District Attorney Joseph H. Banton. Both allege unfair acts by the other.

Ernest F. McGehee, one of the attorneys for Edward M. Fuller, declared that Banton is trying the case in the newspapers. Mr. McGehee asserts that counsel for the defense are now trying this case for the fourth time and that they have never tried to delay it. Mr. McGehee continues:

"Statements have been made that witnesses have disappeared. None of the witnesses who are alleged to have disappeared were ever under the subpoena of the District Attorney of this county or were even examined by the District Attorney. If these witnesses were necessary and material for the prosecution,

(Continued on Page 3, Column 6.)

FULL SELECTIONS WILL BE FOUND ON PAGE 11.

PARAMOUNT MEN USED NO COERCION

Testimony of Up-State Exhibitor Fails to Disclose Evidence of Forcing Tactics.

TOOK OTHER BRAND OF FILMS

Theatre Owner Remained Defiant and Kept in Business—Boss Flashes on Stand.

J. S. Burnham, who has operated motion picture theatres at Cortlandt, Auburn and Seneca Falls, N. Y., was placed on the stand yesterday before Commissioner E. C. Alvord of the Federal Trade Commission, inquiring into the operations of Famous Players-Lasky Corporation to determine whether they act in restraint of trade. The purpose of Mr. Burnham's testimony was to show that exhibitors were forced to buy Paramount Pictures whether they wanted them or not.

Mr. Burnham's testimony developed that the sales force which offered Paramount Pictures included no shrinking violets. When they went after business they went after it. The testimony indicated no system of electric shocks. But the purpose of the testimony was to show coercion and not energy. On the score of coercion the cross-examination quickly developed that in spite of all the efforts of the Buffalo office of Famous Players-Lasky Corporation, the witness, Mr. Burnham, did not buy Paramount Pictures. He was in the sales force in question to take the air, that he got all the pictures he wanted from other firms that he remained in business and it might be added, remained a wealthy man. His testimony showed that there was a row, but it scarcely showed that there was a trust.

Told Them to Get Out.

Mr. Burnham said that Mr. Rose, representing the Famous Players-Lasky distributing office in Buffalo, called on him several times at Cortlandt, N. Y., where he had at that time two theatres. Mr. Rose wanted to sell him pictures. He wouldn't buy because he said the prices were too high and he would have to change admission prices if he bought them. After numerous calls by another representative of the Buffalo office came back with Rose and the conference was heated. Mr. Burnham testified that they threatened him. This was ruled out by the Commissioner as hearsay. He was asked to repeat what was said. He couldn't recall what was said beyond repeating several times that the conference was very heated and that he, in effect, told them to move on.

Shortly after that a series of four advertisements appeared in the Cortlandt Standard. They were taking the people of Cortlandt to demand of their theatre managers an opportunity to see Paramount Pictures. The advertisements declared that Cortlandt was the only city in the State which was denied the privilege of seeing Paramount productions. As a result of these advertisements, Mr. Burnham testified, several of his patrons stopped him on the street and asked him why he did not run Paramount Pictures. He told them that he could not afford to do so because they cost too much. On cross-examination he added that he told them that the theatre was his and he would not let them take it away from him. He also testified that he had received a letter from the Buffalo office of Famous Players-Lasky, asking him to see a picture called "The Cross-Examination" which the Oklahoma agency co-operated with Mr. Burnham and asked him to see it. He said that he had seen it and that it was a very good picture.

Says They're Good Films.

The testimony did not develop what luck the manager had nor any effect this competition had upon Burnham's ventures. Mr. Burnham said he had lost money on a few Paramount specials and super-specials, which made him very wary of them, but on the whole he considered them good pictures. He testified that he had received a letter from the Buffalo office of Famous Players-Lasky, asking him to see a picture called "The Cross-Examination" which the Oklahoma agency co-operated with Mr. Burnham and asked him to see it. He said that he had seen it and that it was a very good picture.

The cross-examination of Joseph C. Bous, who formerly had a motion picture theatre in McAlester, Okla., was completed yesterday afternoon. The cross-examination was to bring out the various occasions on which the Oklahoma agency co-operated with Mr. Bous and asked him to see it. He said that he had seen it and that it was a very good picture.

HERBERT TO CONDUCT AT LEGION MEETING

Composer to Direct Massed Bands at Rally for Veterans' Monument Camp.

All announcements for the American Legion rally at the City College Stadium on Sunday point to what promises to be the largest gathering of service men ever held in the city. The get-together has been called for an inspiration meeting in the interest of the Veterans' Mountain Camp, which the New York Legionnaires will open next month for their sick. Victor Herbert will direct the massed bands, which will include Keith's Band and two other bands. Everybody will sing the old songs of war and peace as a part of the program. Appropriate recitations will be given by Julia Arthur and Thais Magrane. Among the speakers will be Senator-elect Royal S. Copeland, former Ambassador James W. Gerard, Rev. Dr. C. F. Reinold, State Treasurer George K. Shuler, former major in the Marine Corps and hero of the World War, and Commander A. S. Callan, Passed State Commander W. F. Deegan and Commander of the New York County Veterans' League, Dr. Samuel Lloyd, president of the Veterans' Mountain Camp, will preside. There will be a mailing of the past colors and other events.

Cooks Ask for Cavenham.

GRINNELL, Iowa, May 16.—If a woman wants to be happy with a Grinnell College co-ed he must be of the Grinnell type. A prospective hubby also must have a sense of humor and a "sweetheart" tendency. The girls prefer cooks to bankers, and dark men to their blond ones.

ZOE BARNETT.



Photo by White. She Goes to California Next Week for Tenth Season of Opera.

THOUSANDS FLOCK TO MASONIC SHOW

Big Crowd Visits Exposition at Madison Square Garden on Fourth Day.

SCHIPA PRESENTS PORTRAIT

The popularity of the Masonic Order was attested yesterday afternoon and evening by the crowds that visited the Fashion Show and House Exposition, now entering its fourth day, at Madison Square Garden. A rushing business was carried on at the booths and the country stores, and visitors appeared to enjoy spending their money.

A life-size portrait of the late Enrico Caruso and Tita Schipa, tenor of the Chicago Opera Company, was presented to the exposition yesterday by Mr. Schipa, and placed on exhibition of the main floor, where it was greatly admired. The portrait was painted by the Italian artist, Cipariello, and shows the young tenor standing beside the bust of Caruso. Cipariello has reproduced the bust made from the death mask of the great tenor. The portrait is on sale, the proceeds to go to the Masonic Fund for a Tree Hospital.

Giuseppe Argentino, the tenor, who recently gave a concert at the Casino Theatre for the benefit of a boyhood friend who had traveled 16,000 miles to hear him sing, will appear as soloist at the Garden to-night, accompanied by Frank Longo at the piano.

NECESSARY TO CURB VOLUME OF BUILDING

Board of Governors of American Construction Council Discuss Subject at Meeting.

Methods to curb the volume of building, which was held to be responsible for a crisis in the industry existing today, were adopted at a meeting of the board of governors of the American Construction Council at the home of Franklin D. Roosevelt, its president, 49 East Sixty-fifth street, yesterday afternoon. Men prominent in all branches of the industry throughout the country were present.

It was unanimously agreed that conditions in the industry represent a crisis and it was held that the present program of building cannot be carried out with the present resources of the country. Public departments were urged to curtail their building until the Fall, banks were recommended not to finance speculative building until that time, and publicity was asked. A resolution was carried providing that a letter be sent to Herbert Hoover, Secretary of Commerce, asking that a commission be organized to carry out the suggestions made at the council. The check on the resources and building conditions similar to the present one.

ANNULMENT APPEARS SOLOMON'S SPECIALTY

Samuels Retains Lawyer Who Won Decree for First Wife in Proceedings Against Second.

Though slightly peeved in 1915 by the fact that Yetta Samuels, then his wife, secured an annulment decree, Louis Samuels, a dry goods dealer of Second avenue, yesterday showed appreciation of the good work of the first Mrs. Samuels' lawyer, Louis H. Solomon, by appearing with Solomon as his attorney to press a suit for annulment against his second wife. The defendant in the present action, who was Sadie Blackman before she married, is alleged by Samuels to have concealed from him at that time the fact that her father and a sister of hers had received treatment in asylums for the mentally affected, and that she had once been a patient in the psychopathic ward of Bellevue Hospital. Dr. Stephen T. Jewett of Bellevue Hospital testified that Mrs. Samuels had asked him not to tell her husband that she had been in that ward as a patient. Justice Isidor Wasservogel reserved decision.

E. Fellows Jenkins Dead.

Following an illness of several months E. Fellows Jenkins, 79 years old, who for 37 years prior to his retirement in 1890 was superintendent and secretary of the New York Society for the Prevention of Cruelty to Children, died yesterday morning at his home, 2880 Broadway.

WM. D. HARRIGAN IS BANKRUPT, HE SAYS

Actor Son of Late Ned Harrigan Files Voluntary Petition Admitting Insolvency.

EX-WIFE CHIEF CREDITOR

Most of Liabilities Personal Debts to Friends Who Helped Him Out.

William D. Harrigan, son of the late Ned Harrigan of the team of Harrigan, and himself an actor, yesterday filed a voluntary petition of bankruptcy in the United States District Court. Most of the debts are the results of loans from other players, Harrigan declared. Louis Groody, music composer, star, who was formerly Harrigan's wife, heads the list. Nearly half of the \$5,381 is owed her. Other loans were made by Leitch Errol, East Briggs and Anson Munn. Ninety-four dollars is owed to the New York Athletic Club for meals. To offset these claims Harrigan admitted that his assets are only \$280. Of this sum \$10 is in the bank and the other \$250 are in clothes, which he claims exempt.

Harrigan served with distinction as a captain in the 307th Infantry, Seventy-seventh Division and was wounded during the Argonne drive. In 1920 he was leading man in "The Acquittal" and Miss Groody was in "Night Boat." They were married in April of that year after a four months' acquaintance. A year and a half later they were divorced. Now, Harrigan's petition says, his liabilities are \$5,381 and his assets \$280. The \$280 are in the bank and the other \$250 are in clothes, which he claims exempt. Most of his debts are for loans made him by fellow members of the profession.

Groody leads the list with an acknowledged claim of \$2,500. Leon Errol is next with \$500 and to Winchell Smith Harrigan owes \$150. There are some club debts, but the petitioner says he owes the Lamb's Club \$700 for services and owes the New York Athletic Club \$94 for food. Harrigan gives his address as 317 East Seventeenth street, before America's entry into the war he toured Australia in "Bought and Paid For." "Ready" and other American comedies, and in 1916 he took an Irish part in "The Melody of Youth." He has been reluctant to take such a part because of comparison with his father, George S. Harrigan, who was a discreditable, but his work was well received. Later he attended Pittsburgh. Miss Groody, the little star of "Good Morning, Dearie," is a keen interest. Frank W. McFee, a stock broker, Harrigan's first wife was Dorothy Langdon, another actress, whom he married in 1913, and from whom he was divorced.

WEST SIDE TURNS OUT FOR PRELATE'S BURIAL

Thousands Crowd Church and Streets During Funeral Services for Monsignor Mooney.

Gratifying the dying wish of his pastor, Monsignor Joseph F. Mooney, Senior Vicar General of the New York Diocese, the thirty-one hundred children of the parochial school of the Sacred Heart Church, in West Fifty-first street, lined up in front of the church as his casket was carried out after the celebration yesterday of a pontifical mass of requiem by Archbishop Patrick J. Hayes. The West Side of New York paid final tribute to the venerable pastor. Ten thousand persons crowded into Fifty-first street, between Ninth and Tenth avenues, and the over-crowded sidewalks, while four hundred more crowded into the edifice as the services were conducted. The final resting place in Calvary cemetery, led by the Police Band, an honorary guard of police, khaki-clad boys from the Catholic Protective League, which has a keen interest in the church, and delegations from the Holy Name and other societies. The funeral cortege passed through many streets of the parish. The funeral cortege passed through many streets of the parish. The funeral cortege passed through many streets of the parish.

WOMAN CHARGES HER STOCK IS WITHHELD

Member of Brokerage Firm Comes Into Court and Makes Explanation.

Frank J. Murphy, of 133 Eighth avenue, Brooklyn, member of the firm of J. S. Bacie & Co., bankers and brokers, 42 Broadway, appeared in Tombs Court yesterday to answer a summons in which Miss Mildred Adams, an attractive, fashionably dressed blonde, who gave her address as the Woodward Hotel, Broadway and Fifty-fifth street, was the complainant. The woman claims that Murphy is withholding from her fifty-four shares of American Telephone & Telegraph stock having a value of about \$1,000 which is her property. Miss Adams said Magistrate Henry Goodman that an account had been opened with the firm for her in 1918 and that she had given a power of attorney to Col. S. Lawrence James to look after her account with the firm and that this power of attorney had been revoked May 1, 1921. The witness said that she had delivered the stock in question to James, who turned it over to the brokerage firm. She claimed that when she went to the Bacie office last Saturday afternoon to her that the vaults were closed and that he could not give her the stock. She said she went to the office again Monday and Murphy refused to deliver the stock.

HONOR MRS. GORMLEY.

President of Euphony Society Guest at Luncheon.

An uncheon in honor of Mrs. Agnes Gormley, president of the New York Euphony Society, was given at the Plaza Hotel yesterday, with Mrs. Charles Henry McWilliams of Essex Falls, N. Y., as hostess. Plans have been completed for the fourth annual breakfast of the society in the Plaza grand ball room Saturday. Among the guests of honor invited are Mrs. Thompson Hoover, Dr. Margaret E. Lacey, Mrs. Charles Howard, Mrs. William R. Taylor of Philadelphia, Mrs. Edwin Clae Hayden of New Jersey, Mrs. Winifred Richardson and Mrs. Margaret M. Drew. An interesting program of music and a dance will follow the breakfast.

HYLAN'S TRANSIT PLAN O.K'D BY COMMISSION

Proposal Submitted to Board of Estimate, Yielding to Mayor, in Construction of Subway Extensions Costing at Least \$100,000,000.

By CHARLES C. FOSTER.

THE Transit Commission, in a proposal to the Board of Estimate, relative to building new subways, accepts the terms of Mayor Hylan in the hope of adjusting the transportation tangle.

The commission says that the need for agreement upon a definite and immediate program is more pressing than ever. The fact is cited that on an average 4,000 passengers are carried each day in excess of the number carried the day before, representing a growth of over 100,000,000 a year.

To build a subway requires five years from the time the plans are initiated until the road is ready for operation. The commission says it is staggering to consider what conditions will be five years from now.

Five definite projects specifically referred to will cost, it is estimated, from \$100,000,000 to \$125,000,000. These are the extension from Corona to Flushing, the extension of the Fourth avenue subway in Brooklyn from Eighty-sixth street to Ninety-fifth street, the Nassau street line in Manhattan, the Cross-town line in Brooklyn and Queens, and the extension of the Broadway subway in Manhattan from Seventh avenue and Fifty-ninth street to Washington Heights.

If the Board of Estimate gives its approval the building of additional subways will begin. However, it is extremely doubtful about Mayor Hylan agreeing to accept the offer, which the commission says is made in good faith and on a half-way basis.

H. EDMUND MACHOLD, speaker of the Assembly, will address the New York Republican Committee tonight at its monthly meeting in Bryant Hall, 723 Sixth avenue, on "Why the Republicans Opposed Governor Smith's Plan."

WITH a view to encouraging New York women and girls to play tennis, Park Commissioner Francis D. Gallatin, the New York League of Girls Clubs and the Metropolitan Tennis Association are co-operating in arrangements for exhibition single and double games to be played at 6 P. M. to-morrow on the Central Park tennis courts at Ninety-third street and the West Drive.

JOHN J. HOPPER, 69 years old, of 332 West 121st street, died yesterday from pneumonia following an illness of ten days. He was a civil engineer, and politically an independent Democrat. Last month he went to Albany to urge an amendment to the banking laws to place national banks under State direction. He was also a strong advocate of direct primaries and president and treasurer of the Trenchard Law League.

Mr. Hopper's wife was formerly Charlotte A. Martin. His daughters are Mrs. George S. Hight to Mr. R. C. Anscar, who was born in this city sixty-nine years ago, and was educated in the public schools, City College and Dartmouth College. He has a keen interest in traction problems. In 1900 he was awarded a contract to build the subway spur extending from 103rd street and Broadway to Lenox avenue and 135th street. Mr. Hopper was register of New York County from 1914 to 1918. He was a candidate of the Independence League ticket for Governor and sheriff. He was a friend, for many years, of the late Henry George, single tax exponent.

IMPROVEMENTS on the elevated railroad, consisting of prepayment rates and additional express service, will include enclosing of platforms. The first sliding doors will be put in operation this fall.

A REPORT submitted by Commissioner Hirschfeld to Mayor Hylan advises caution in developing Gerritsen basin for park purposes for the reason that it would cost \$300,000.

B. OGDEN CHISOLM, member of the executive board of the New York Prison Association, whose work on humanitarian lives in prisons is attracting widespread attention, was yesterday told by the Governor that he will sign the Mullin-Gage repealer.

Prohibition promotes riotism than diminishes crime, Mr. Chisolm said. To this he attributed an increase in arrests in the greater city in 1922, amounting to 38 per cent. This will be increased to 50 per cent. this year, he says.

MAYOR HYLAN and other officials last night delivered addresses in the auditorium of Public School 82, Academy street and Verrill avenue. The occasion was the formal transfer of the Inwood Public Library to the New York Public Library.

AT 11:30 A. M. yesterday thirty-eight girls of the Department of Public Welfare lined up in the corridor of the tenth floor of the Municipal Building under an order of Edgar Pitaki, secretary of the department, to rehearse for the public parade May 23. They were mostly stenographers and clerks of the department.

Rosanne Sullivan, a department investigator, was the drillmaster. He taught the girls to mark time, count off, obtain the proper marching distance and salute. His words were: "Every time you salute like this (demonstrating) look right to the right, whereupon the girls all giggled. Sullivan asked: 'Don't ye understand me brogue?'

He explained that each platoon of the parade would have a leader, saying: 'All ye have to do to do to do as the leader. Salute when he does and everything.'

This was the first drill these girls had been put through. They will receive further instruction. Sullivan explained to newspaper men: 'If ye can get one woman to walk with another woman everything will be all right. They give a sort of natural rhythm from dancing.'

THE Bar Association will give a dinner next Tuesday evening at 7 o'clock at the Waldorf-Astoria. The dinner will be given by the newly appointed Federal Judges, Francis William Henry Goldard and William Bondy.

A meeting to be held this afternoon at 3 o'clock at the office of Mrs. Louis Reed Weismiller, Deputy Commissioner of Markets, methods will be discussed to render more effective the "circulars" issued by the department. Mrs. Weismiller is having distributed 10,000 circulars reading: "February, sugar 7 cents a pound, April, sugar 11 and 12 cents a pound."

JOHN J. CORNWELL, former Governor of West Virginia, addressing yesterday the National Association of Manufacturers, said that the situation makes a report displeasing to the miners.

PUBLIC hearing on a number of legislative bills was given yesterday by Mayor Hylan. Among these was one to amend the city charter so that in figuring pensions of certain classes of city employees the amount to be paid the per-

GEORGIA O'RAHEY



Photo by White. Who Left Yesterday on the Paris for Summer in Europe.

DETECTIVE STAR READS 'VENGEANCE'

Officer Interprets Allegedly Immoral Plays to Delight of Court Spectators.

INCLUDES STAGE DIRECTIONS

Detective Benjamin Bailey of Inspector James S. Bolan's staff, spent a "dramatic" day on the witness stand yesterday in General Sessions reading to the jurors and a courtroom filled with spectators the language and directions of "The God of Vengeance." Harry Weinberger, owner of the play, and twelve of the thirteen members of the cast who were indicted, charged with producing and participating in an indecent play, are on trial before Judge John R. McIntyre.

Bailey is stout and florid and slow of speech. He was describing a scene from the second act of the play yesterday at a point where three play directions indicated it was a rainy night. Describing what took place on the stage, Bailey said:

"It was raining outside—that is, it wasn't really raining at all. It was just imitation rain." This statement caused a laugh among the defendants. Bailey made the statement seriously. Bailey's voice was expressionless most of the time and his attempts at elocution made the actors giggle some more. In describing a scene in the third act of the play, he referred to the parenthetical stage directions, which he said have one of the actors "laugh like an evil spirit." Bailey said on this point: "I heard the laugh, but I don't know about the evil spirit. I can't imitate the laugh," said Bailey.

Read Miss Hurst's Letter.

While the case was in progress Mr. Weinberger gave out the copy of a letter he had received from Fannie Hurst, who was expected to be a character witness for the defense. It follows: "I am sorry that my absence from New York makes it impossible for me to respond to your request that I act as a witness in defense of 'God of Vengeance.' I have already written you my opinion in the matter."

Best wishes for a deserved victory over the prejudice and stupidity with which you are contending." Mr. Weinberger cross-examined Detective Bailey yesterday afternoon, and he tried to bring out from the witness that the "life of shame" depicted in the drama was not as alluring as the prosecution contends, but that it was repulsive in the matter.

Came in Out of the Rain.

The table was of unvarnished wood and the mirror on the wall was mottled and cracked, he said. When Bailey was questioned as to the scanty attire the women are alleged to have worn in one of the scenes the officer said: "The women came in out of the rain and began to remove their clothes. First they took off their shoes and stockings, and then after removing their coats they seemed eager and over-eager in getting off the rest of their attire."

He had been expected that either the prosecution or the defense would suggest to the Court that the jury attend a performance of the play so that the jury might determine for themselves whether it was an indecent play as charged. It was evident when the adjournment was taken last night, however, that this would not be done. Mr. Weinberger, representing the defendants, said he had contemplated doing this, but that the play has been forced to close down because Rudolph Schildkraut, its star, is ill.

LEVIATHAN AT SEA AGAIN.

Great Vessel Proceeding to Boston for Finishing Touches.

(Special Dispatch to The Morning Telegraph.) NEWPORT NEWS, Va., May 16.—The United States Shipping Board steamer Leviathan left the docks of the Newport News shipbuilding & Dry Dock Company, where she has spent many months in reconditioning to-day, to proceed to Boston for finishing touches and after touching her return to the transatlantic trade.

Many persons on shore and in small boats joined in the celebration. The great vessel, the largest which has ever entered Hampton Roads, slipped down the channel.

SUGAR DEALER ASKS \$866,611.

Suit for \$908,911.20 was yesterday begun in the Supreme Court, summons and complaint being filed in the office of County Clerk James A. Donegan by John H. Rapney against Lamborn & Co., William Marston Seabury is attorney for the plaintiff. The plaintiff claims to have been damaged in sugar future dealings through the defendant's alleged failure to live up to an agreement.

OLD FERRYBOAT HULK BURNED.

The hulk of the former ferryboat Southfield, which was used by the city as a tuberculosis camp, was burned to the water's edge at the foot of Ellis Lane, Krescherville, Staten Island, Tuesday night. The Southfield was built in 1874 and was taken out of service when the new municipal ferries were built.

'FILM AGENT' HELD FOR GRAND JURY

\$10,000 Bail Placed on Henry Kramer Charged With Insulting Equity Chorus Members.

NOT EMPLOYED BY FAMOUS

Representative of Company Declares Defendant Was Not Connected With Organization.

Testimony given by actresses and a representative of the Famous Players-Lasky Film Company, before Magistrate William A. Sweetser in West Side Court yesterday, resulted in Henry Kramer, 20 years old of the Paris Hotel, on Seventh avenue, being held for the Grand Jury in \$10,000 bail. Kramer, when arrested May 10, in the offices of the Chorus Equity Association 220 West Fifty-first street, gave his name as Freeman.

According to the testimony yesterday, Kramer, posing as an assistant director of the Famous Players-Lasky Company, asked the Chorus Equity Association to send actresses and chorus girls to him for good positions in moving pictures and then made insulting proposals. He was decoyed to the association rooms, when complaints were made about him.

Charles R. Abrams, special representative of Adolph Zukor, head of the film company, declared in court that Kramer had no connection with the film company, although Kramer insisted he had obtained a position in the company's Astoria plant as rovery man, through a letter from Mr. Zukor, after being introduced to Mr. Zukor in Paris by a mutual friend.

Loretta Duffy, a film actress, 21 years old, of the Markwell Hotel, and Maria Steens 23 years old of West 107th street, dancer, appeared to testify against Kramer. Magistrate Sweetser was told that on May 10 Kramer telephoned to the Chorus Equity Association, posing as a representative of the film company, and asked that attractive girls be sent to him for good positions. Miss Duffy was the first applicant, and when she called Kramer telephoned there he was returned to the Equity rooms and told Miss Marion Lawlor, in charge of the employment bureau there.

The Equity telephoned the Famous Players-Lasky Company at 435 Fifth avenue, and Mr. Abrams went to the Equity Association offices. In the meantime Kramer telephoned the Equity again and was asked to come to the offices of the association. Detectives of the West 107th street station were called and when they reached the place he was identified by Miss Duffy and arrested. Mr. Abrams declared he knew all the employees of the company and that Kramer was not connected with the company.

Miss Steens gave similar testimony about meeting Kramer in the lobby of the hotel St. Margaret, after being sent by the Equity to Kramer for a position, and being insulted by him. Kramer then telephoned the Equity again and was asked to come to the offices of the association. Detectives of the West 107th street station were called and when they reached the place he was identified by Miss Duffy and arrested. Mr. Abrams declared he knew all the employees of the company and that Kramer was not connected with the company.

AUTOPSY IS ORDERED ON LONG BEACH VICTIM

Weeks Countermands Request for Cremation to Determine Validity of Suicide Story.

Countermanding the orders given by H. Starr Giddings, that the body of Miss Mary Keith, the young French governess, whose body was found on Long Beach Monday, and District Attorney Charles E. Weeks of Queens has ordered an autopsy to be performed to determine whether or not her death was a case of suicide.

That it may not have been so was considered possible, as she had purchased a round trip ticket to the beach and another from Grand Central Station to Fordham.

Her friendship with Miss Keith was known to his wife, Giddings told the police. It was true, he said, that he had at one time considered marrying her; but he decided that they could never hope to get along and had definitely abandoned it before meeting his wife.

CHAINS SON TO CHAIR.

12-Year-Old Boy Held That Way for Beating.

Chained and padlocked to a chair by his father in order that he might not escape a beating scheduled for to-night, Dominick Giannatino, 12, of 485 Hicks street, Brooklyn, was rescued by police last night. The boy was rescued by police last night. The boy was rescued by police last night. The boy was rescued by police last night.

MISS FOX TO BE MARRIED.

Daughter of Theatrical and Film Producer Obtains License.

Carolyn Leah Fox, a daughter of William Fox, theatrical and motion picture producer, will be married on May 27 to Douglas Nicholas Tausig, a silk merchant, a marriage license having been issued to them yesterday by City Clerk Michael J. Cruise in the Municipal Building. The ceremony will be performed at the bride's home on West Ninety-first street. In the license application Miss Fox gave her age as 22 years, her father's age as 42 and lives on West 114th street.

Old Ferryboat Hulk Burned.

The hulk of the former ferryboat Southfield, which was used by the city as a tuberculosis camp, was burned to the water's edge at the foot of Ellis Lane, Krescherville, Staten Island, Tuesday night. The Southfield was built in 1874 and was taken out of service when the new municipal ferries were built.

GREATEST
AMUSEMENT
AND
DRAMATIC
PUBLICATION
IN THE WORLD

Vol. 101, No. 142.

NEW YORK, TUESDAY, MAY 22, 1923.

RACING
FINANCE
THEATRICALS
BOXING, POLITICS
MOTION PICTURES
GENERAL SPORTS

PRICE TEN CENTS.

THE TOWN IN REVIEW

THE French Academy is bothered to find an absolute definition for the word "invisible." Mayor Hylan never ran for office in France.

IT would be only fair when the cases of landlords who denied heat to their tenants last winter came before the courts this summer that the summer be made hot for the landlords.

THERE was a time when some Americans viewing the European situation hoped for "peace without victory." And now they seem to be getting along over there without either peace or victory.

WHO will win the best prize at our disposal by blaming the sun spots which have lowered the temperature on President Harding or the occupation of the Ruhr?

THE esteemed World seems surprised, not to say shocked, to learn that Governor Smith will be guided by the legal aspects of the case rather than by political expediency while considering the Mullin-Gage repeal.

A WOMAN will cut off her husband with \$1 because "he never gave me any of his earnings other than what was necessary for me to keep the house with." If he did that there are many women who could have told her she didn't know how lucky she was.

A CERTAIN type of thug in Paterson seems to have feared that city would forget the Jennie Boschetter case.

A TEXAS man has sent a check to a railroad company in payment of fares out of which he has "beat" the railroad company. How quickly the railroad situation would be solved if all the hoboes, past and present, should have a change of heart and pay up what they owe for transportation.

WILLIAM JENNINGS BRYAN returns to normalcy. He has been defeated again.

PROFESSOR EINSTEIN says more laborers and fewer academic theorists is what Palestine needs.

MR. SCHWAB'S millions is sufficient answer to the charge that he consulted a medium regarding investments.

THE man who consults a medium doesn't stand a ghost of a show in the market.

THAT title, "The New Sin," sounds as if it might have been invented by a reformer.

AN air route between Chicago and London is planned. If one were in Chicago I think one would be willing to go to London; and if one were in London he doubt one would like to go to Chicago. The line ought to pay.

IF the prohibition agents go out on strike as threatened, the least the bootleggers can do is provide a strike fund for their maintenance.

HAVE you noticed that every time Mayor Hylan vetoes a bill it means a saving to the taxpayer.

WERBA AND HART IN PERFECT ACCORD

Reports Along Broadway of Trouble Over "Barnum Was Right,"
Prove to Be Unfounded.

DETAILS WERE UNDERSTOOD

Broadway—that thoroughfare of the theatrical folk and breeder of many a wild rumor—has come a-cropper in its latest report, in which it smugly insisted that the affairs of "Barnum Was Right" had precipitated a quarrel between Louis Werba, its producer, and Max Hart, one of its stockholders.

Investigation yesterday served to prove the report was gravely in error, for the relations, both professionally and personally, between Messrs. Werba and Hart are of the friendliest. There has been no quarrel, as was rumored and subsequently chronicled, nor at any time was there any misunderstanding concerning the conduct of the affairs of the show.

Every detail of the removal of "Barnum Was Right" from the Frazee Theatre to the George M. Cohan was understood between the two before the show migrated to Broadway from West Forty-second street, it seems, and in no way has this molestation been used as a medium for the exploitation or convenience of "Adrienne," Mr. Werba's musical comedy, which is to succeed it.

When "Barnum Was Right" was moved to the Cohan it was thought to have a good chance for a summer run and another house was in view for the reception of "Adrienne" when it should come to town. It was not until "Barnum" gave signs of cracking under the strain of the lackadaisical Spring business that the Cohan was considered as a haven for "Adrienne."

It was said at the time that "Barnum" was being used by the Cohan merely as a stop-gap for the other production, and this report, naturally enough, roused the ire of the producers of the first-named comedy. Inquiry discloses the fact that their ire was justified, since the report was untrue.

THE WEATHER.

Cloudy and unsettled to-day.
To-morrow warmer and fair.

EXHIBITORS ON STAND IN FILM TRUST SUIT

Story of Deals With Famous Players-Lasky Corporation Told
by Theatre Owners.

WERE BOUGHT FOR QUALITY

Exhibitors were again the witnesses yesterday in the investigation being conducted by the Federal Trade Commission into the business methods of Famous Players-Lasky Corporation. They described the motion picture "industry" from their point of view and on cross-examination engaged in spirited, but not ill-natured, joint debates with counsel for Famous Players. Altogether, it was a lively session, with more of the same in prospect for to-day, when the hearing is resumed before Commissioner C. E. Alvord at 25 West Thirty-ninth street.

Benjamin Knobel, the first witness, is one of the principal stockholders in companies which operate motion picture theatres in the Bronx and farther up. He is the proprietor of the "Palace," the "Columbia," the "U. S.," the "University," Manhattan, and the "Bushman."

He outlined the rising costs of Paramount pictures during recent years. On cross-examination he said prices have been tending generally upward with all the companies. Mr. Knobel said he bought all the Paramount productions because he had been told that their plan of selling was all or none. He was cross-examined at great length on this point, but stood his ground. Asked to be very definite, he said he was told this in the reception of "Adrienne" when it should come to town. It was not until "Barnum" gave signs of cracking under the strain of the lackadaisical Spring business that the Cohan was considered as a haven for "Adrienne."

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(Continued on Page 5, Column 2.)

PRESIDENT HARDING has announced that he will visit British Columbia this summer. I can remember that the Republican Senate was greatly shocked when a President of the United States left American territory.

ONE peculiarity of the situation is that there are some hundreds of people who believe Alfred E. Smith can be influenced by a telegram.

I WISH some etymologist would explain just what excuse there is for calling the winner of a golf cup a "hero."

WORD comes that German industry is ready to mortgage a fourth of its possessions to effect the release of the Ruhr. Not an unusual way to acquit legitimate obligations—outside of Germany.

A BRITISH submarine nearing completion is as big as a cruiser. At the Washington conference Britain was strong for the abolition of submarine warfare.

IT seems to me that I recall a speech recently delivered by the President of Columbia in which he scored the Ku Klux. Maybe he would have dealt more gently with the order if its members had used barrel staves.

EVEN if Easter Island has gone A. W. O. L., as reports state, we still have Christmas Island, which leaves us on the calendar.

A GREAT deal of the pressure being brought to bear on Governor Smith is by indicating that "veto" and "vote" are spelled with the same letters.

ACCORDING to Luis Angel Firpo, the head of "Liberty" on the dollar is Venus enough for him.

THE poison seems still to be working. Hunting down the pens hasn't stopped the arrival of the letters.

AN automobile ran down and injured one of the motion picture censors of this State recently. How about eliminating automobiles from motion pictures?

LOTS of grocers, to our knowledge, have built up fortunes by "watchful weighting."

THE Treasury of the United States is prepared to retire another hundred million dollars in Victory notes. Financially speaking, another government Mellon.

EDITORIAL writers who question, "Is New York a State?" might consider the fact that New York is largely a State of Mind.

SEVENTY-FIVE to One Hundred Thieves Laid to Bobbed-Haired Girl—Headline in newspaper.

A WOMAN who says she was beaten by her husband for thirty years, during which time she bore thirteen children, finally killed him. She was a patient woman, at that, if her story is true.

BEAU BROADWAY.

COOKS AT PLAZA SPILL THE BEANS

Broth and Other Luncheon
Dishes Also Spoiled
as They Strike.

Arthur T. Henderson, passenger traffic manager of the French line, received advice yesterday from the company's offices in Paris announcing that dual arrangements had been made for installing aboard the steamships of the French line the necessary equipment for showing motion pictures.

The first steamer to be equipped will be the Paris, flagship of the fleet, which will inaugurate this innovation during its next trip to New York, leaving Havre Saturday, May 26. Pathé will supervise the installation.

At precisely 1 o'clock, daylight saving time, yesterday, there were dozens of cooks and helpers and dishwashers scurrying about in the culinary department of the Plaza Hotel; upstairs the usual assemblage in the dining rooms discussed the League of Nations, Jess Willard, the income tax, and golf, while plucking impatiently at the oyster crackers.

As before stated, it was exactly at 1 o'clock. Then the hotel chef appeared in the culinary department and announced that the request of the Amalgamated Food Workers of America for an increase in pay for the fellows in the white skull caps was respectfully but positively declined.

Bank! Down went twenty-two willies, fourteen mixing spoons, five salad bowls and a battery of those guns they shoot the whipped cream through. Off came the skull caps and the white jackets. The Amalgamated Food Workers were leaving.

The shock might have proved fatal in the dining rooms, but Edward C. Fogar, managing director of the Plaza, was equal to the occasion. He sent out to other hotels and borrowed some food workers. Many a mackerel plucked from the locker and broiled on the spit was served by lineals was broiled on the spit and side and buttered and parleyed by Pietro. It was a thrilling moment.

ALADDIN GALLOPS TO VICTORY THROUGH THE MUD AT JAMAICA

Rancocas Stable Continues on Its Record Way as Dick Finnerell Colt Takes Best Number of Day and Sixteenth Race of Meeting for the Sinclair-Hildreth Establishment.

SADDLE AND BOOTS IN FRONT

Soft Footing Favors This Gelding and He Leads Good Field in High-Priced Claiming Handicap—MacLean Scores for Baltimore and Whitey Howard in Maiden Juvenile Sprint.

WINNERS AT JAMAICA.

FIRST RACE.
Anne, 11 to 5 straight, 7 to 10 place and 1 to 2 show, won. Apology, 8 to 5 straight, 3 to 5 place and 1 to 4 show, second. Lee Adrin, 7 to 1 straight, 3 to 2 place and 0 to 5 show, third.

SECOND RACE.
Ticklish, 4 to 1 straight, 8 to 5 place and 7 to 10 show, won. Dream of the Valley, 10 to 5 straight, 7 to 9 place and 3 to 5 show, second. Sagamore, 7 to 5 straight, 3 to 5 place and 1 to 4 show, third.

THIRD RACE.
Red Legs, 6 to 1 straight, 5 to 2 place and 6 to 5 show, won. Carpentier, 12 to 1 straight, 5 to 1 place and 5 to 2 show, second. Frank Waters, 12 to 1 straight, 5 to 1 place and 5 to 2 show, third.

FOURTH RACE.
Aladdin, 3 to 2 straight, 1 to 2 place and out show, won. Hypocrite, 12 to 1 straight, 3 to 1 place and 0 to 5 show, second. Battered, 8 to 5 straight, 1 to 2 place and out show, third.

FIFTH RACE.
Saddle and Boots, 4 to 1 straight, 1 to 2 place and 1 to 3 show, won. Frank G., 2 to 1 straight, 1 to 2 place and out show, second. Muskallone, 6 to 5 straight, 1 to 2 place and out show, third.

SIXTH RACE.
MacLean, 4 to 1 straight, 8 to 5 place and 4 to 5 show, won. Byron, 4 to 1 straight, 1 to 2 place and 3 to 5 show, second. Cano, 20 to 1 straight, 7 to 1 place and 3 to 5 show, third.

By JOHN J. FITZGERALD.

Spring continues a fruitful season for the Rancocas racers. Another purse went the way of that establishment yesterday when Aladdin splashed through the mud at Jamaica to register easily in the feature Chatham Purse. This mile and seventy yard test topped a rather ordinary program at the Metropolitan Jockey Club course.

The Jamaica meeting now is seven days old and the thoroughbreds of Messrs. Sinclair and Hildreth have won sixteen stakes and purses during this period. It is doubtful if any racing stable in the world ever compiled such a number of victories in a like period. Only the disqualification of Braceland held this stable from an average of "one a day."

There still remain two days of the present season and three victories for the Rancocas horses would give that outfit a "one a day" average for the meeting. In view of the week's success in performing, such a mark is not impossible.

Mudders Have Their Chance.

Mudders had their first real opportunity of the meeting yesterday and horses of that order swept the card. Despite the many scratches from a top heavy card, large fields appeared in all but the fourth and fifth races. These were the two best numbers of the day and provided easy victories for Aladdin and Saddle and Boots.

After Hobgoblin had defaulted from the Chatham the majority of folks looked upon J. E. Widener's Battersea, with Sande in the saddle, as the ultimate leader. Had the distance been three-quarters the Mont D'or colt might have won. As it was, he tired badly, after showing a relish for the soft going and considerable early speed.

From a good start Sande hustled this colt on to the top and he only breasted along in that position for six furlongs. Then he tired suddenly and Aladdin, who had been racing second, came through with a rush on the rail to quicken his heels. He was a close competitor. On the head of the stretch the result was evident and the Dick Finnerell 3-year-old breezed down to the wire, five lengths in advance of his closest competitor. On this race Aladdin must be rated a superior mudder.

Hyperion Is Improving.

Hyperion, a Sunstar-Melrose colt who races for H. C. Fisher, continues to show a steady improvement. He lacked early speed in this number but moved up after going a half and came down the home lane with a fine burst of speed. In the closing strides he snatched secondary honors from Battersea. It is hard to understand the latter's

SOLE BOSS OF BABE!



Col. Jacob Ruppert, Who Yesterday Purchased the Half Interest in the Yankees Owned by His Partner, Col. T. L. Huston.

FLO LEEDS TO SUE STILLMAN FOR SON

Will File Action Against Banker Who Cast Her Adrift for Support of Baby.

(Copyright, 1923, United Press Association.)

(Copyright in Canada.)

Florence Leeds, named as the "other woman" in the sensational Stillman divorce case, is contemplating legal action against James A. Stillman for support of her child, Jay, aged 5.

"He cut me adrift a year ago and stopped the allowance of \$1,500 a month he had provided for support of my baby since it was born," she explained in an exclusive interview with the United Press.

Mrs. Leeds' decision to break her two years' silence follows publication of a story to the effect that Stillman now is interested in a New York society woman.

Stung by revelation of a secret she herself long had known, Mrs. Leeds, who shielded the banker for two years after the suit became public, said to-day she at last had tired of bearing the brunt of what had been too her a tragedy.

Tells Story First Time.

Now she tells in her own words for the first time that:

Turning from her, after she had headed his plans that she shield him during the trial, Stillman cut her off without provision for herself or her son.

Despairing of Stillman's "doing the right thing," she is considering seeking support of her son through legal means.

In the meantime, she says, she is compelled to sell her home. Appraisers are daily visitors at the fashionable Park avenue apartment where she has lived quietly for three years, and where she secluded herself after a flight that took her across the continent when the Stillman divorce suit was filed.

"The apartment cost \$55,000, paid for by me on the installment plan, and I am selling it to raise money on which to live," she said. And then she told for the first time the story of her life with Stillman.

Stage Career Short.

"Although I was referred to as a 'show girl' in the Century Theatre, as a matter of fact I was in that play but six days. My stage career was interrupted by illness. It was just after I was able to get out of bed that I met Mr. Stillman for the first time. That was in 1916.

"I did not know then that he was married."

"He lived with his father as a bachelor. I lived with my father and mother on Washington Heights."

"In November, 1916, he gave me a plot-

WIFE WHOM STILLMAN SUED, OFFERS TO AID BOY

(Copyright, 1923, United Press Association.)

(Copyright in Canada.)

"I am ready to take little Jay into my own family and give the little chap the chance he should have," Mrs. Anna (Florence) Leeds declared upon hearing that Florence Leeds, "other woman" of the Stillman divorce case, was forced to sell her home to provide for the child, the banker having cast her adrift.

Mrs. Stillman said she is bringing up her boy, Guy, whose paternity was disputed by the banker, to regard Jay, Mrs. Leeds' boy, as his half-brother.

laum wedding ring set with diamonds. Inside the band is inscribed, J. to F. November 14, 1916.

"On September 17, 1918, Jay was born. He was christened Jay Ward Stillman, the Ward being for a member of my mother's family."

"He is the tiniest little fellow that

(Continued on Page 2, Column 3.)

(Continued on Page 8, Column 4.)

BRICKLAYERS QUIT; BUILDING CRIPPLED

General Abandonment of \$200,000,000 Construction Program Indicated in Move.

OTHER WORKMEN AFFECTED

The general strike of 2,000 bricklayers in the New York district went into effect yesterday morning. This decision of the workers will tie up operations on \$200,000,000 worth of construction contracts, and if continued for any time, will cause a complete shut-down in all departments of the building trade, since the bricklayers constitute what is known as the "key trade," meaning that if they do not work, other construction men will be thrown out of employment. This was disclosed yesterday by Local 34 of the Bricklayers' Union.

The Stone Derrick men and the Riggers Association may walk out on June 1 when a \$1 a day bonus system under which they have been working will expire.

Work Generally Stopped.

In the business district yesterday morning work was shut up on the new Cotton Exchange Building at Pearl and South William streets and the Federal Reserve Bank, William street and Maiden Lane. The former, which is nearly complete, was a staff of five bricklayers, all of whom walked out. At the bank building, which is about a year from completion, the staff of forty bricklayers answered the strike call. About the same number failed to go to work at the Standard Oil Building, 20 Broadway.

Jack Bonnelly, delegate of Local 34, met the men who arrived for work yesterday morning at the Standard Oil and the Federal Reserve Bank buildings and gave them strike instructions. Police of the Old Slip station said that there was no trouble in the downtown section.

Locals participating in the strike are: Local No. 32, Manhattan; and 9, Brooklyn 37, Harlem and the Bronx and 41 Queens. Some of the companies connected with the Mason Builders' Association are: The George A. Fuller Company, Charles T. Willis, Inc., Thompson-Stewart Company, Mark Editz & Son, the Cauldwell Wingate Company, the Carlin

(Continued on Page 2, Column 2.)

COL. RUPPERT BUYS HUSTON HOLDINGS IN YANKEE CLUB

Deal Started Last December Is Finally Completed and Huston Will Retire Definitely Between Now and the First of June From Official Connection With Team.

RUPPERT IS SOLE OWNER

Declares He Is Sorry Partner Is Leaving Baseball, That Their Relations Are Cordial and That Only Huston's Desire for Year of Rest Prompted the Sale.

By JAMES P. SINNOTT.

Col. T. L. Huston announced yesterday afternoon that an agreement has been signed, whereby Col. Jacob Ruppert takes over his half interest in the New York Yankees (Club of the American League) on June 1, making Colonel Ruppert the sole owner of the Yankee team and the new Yankee Stadium from that date on. Colonel Huston will continue as a director of the club, but will hold no financial interest in it. The purchase price of the Huston interest was not announced, but is unofficially placed at \$1,500,000.

Yesterday's announcement is but a confirmation of the story given out last December to the effect that Colonel Huston was to sever his connection with the Yankees through a sale of his interest to his partner. During the arrangements for the transfer to Colonel Ruppert of the entire assets of the ball club, some hitch arose, and Col. T. L. Huston announced that he would retain his interest.

It was thought at the time that the report that Colonel Huston was being forced out of baseball because of his differences with certain other powerful factions in the game, precipitated his change of mind and decision to continue to operate the club jointly with Col. Jacob Ruppert. In any event, he has now definitely decided to retire. He says that the papers are all signed. Colonel Ruppert confirms this statement.

The Official Statement.

The official statement given out at the Yankee offices on West Forty-second street yesterday, regarding the transaction, follows:

"The negotiations for the sale of T. L. Huston's half interest in the Yankees to Col. Jacob Ruppert, as announced last December, were later resumed and finally consummated into a signed agreement whereby Ruppert buys Huston's interests. The final of the transaction takes place prior to June 1."

"Huston continues as a director in the club. A summary of the work accomplished during the nine seasons of the ownership of Ruppert and Huston of the Yankees seems not out of place at this time."

A sixth or seventh place team was taken and made a twice pennant winner, with every prospect of a third pennant this year. The team which was bought during the nine seasons of the ownership of Ruppert and Huston of the Yankees seems not out of place at this time."

It had no playing grounds, but was a

(Continued on Page 2, Column 3.)

(Continued on Page 8, Column 4.)

FULL SELECTIONS WILL BE FOUND ON PAGE 11.

FAIR PLAYS ONE BEST

(AT JAMAICA.)

MESSSENGER

SHARPSHOOTER'S ONE BEST

(AT CHURCHILL DOWNS.)

TEN-LEC

GREATEST
AMUSEMENT
AND
DRAMATIC
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The Morning Telegraph

RACING
FINANCE
THEATRICALS
BOXING, POLITICS
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GENERAL SPORTS

Vol. 101. No. 143.

NEW YORK, WEDNESDAY, MAY 23, 1923.

PRICE TEN CENTS.

THE TOWN IN REVIEW

MAYOR HILAN seems to have a very lively appreciation of the fact that if one citizen is pensioned other citizens must foot the bill.

THE sentence of Krupp has been affirmed by the court of appeal in France, which is another indication that France means business in the Ruhr, despite the objection of the New York World and George Sylvester Viereck.

THE trouble with most churchmen who demand uniform divorce laws is that they would like also to dictate the text of such laws.

A WOMAN of 53 has just taken up painting. I read. I wonder if she was influenced by the attitude of the old masters of the situation who are demanding \$14 a day.

I WOULDN'T care to serve under an aspirant to the Officers' Training Camp who calls on two men to help him whip a non-aspirant who has displeased him.

OWEN CARROLL has refused a \$10,000 offer to pitch on the Pittsburgh team because he wishes to continue his studies for the priesthood. Owen probably never will get his picture on the first page, but we predict for him a fairly successful future.

IM a great admirer of Governor Smith, but really he should have been more original than to have told us the Republican party doesn't wish to offend the transportation interests.

WHEN a man who speaks English only becomes an inmate of the death house I am led to wonder how he communicates with most of his fellow prisoners.

A BARBER served me last week who didn't ask me if I wanted "scalp treatment." The building caught fire about the time he got to the scalp.

THE President deplores the presence of factions in the party. And yet there are no factions. Any member of any group will confess to "regularity." The other fellow is always the factionist.

A BLIND man is to plan a "city beautiful" for Topeka. I have been in towns where I thought the city planner must have been blind. Still I wish this particular individual success.

HATE on sea and hate on land. Whom do we hate to beat the band? Polonaise.

It would take an abler pen than mine to write the unwritten encomiums that would have been written by the opposition press if some other Mayor had vetoed the pension bill.

A NEWSPAPER says there was a stormy scene between the families of Lieutenant Clarke and Miss Fort. It had this redeeming feature, however: All the vocal exchanges were in English.

KILLS TWO COPS; N. J. RUSHES TRIAL

Jersey City Desperado Captured After He Slays Two Detectives and Wounds Two Others.

WOMAN ACCOMPLICE HELD

Jersey justice is expected to set a new record in the case of Frank Miller, held without bail in the Hudson County Jail at Jersey City for the murder yesterday morning of two Jersey City detectives and the wounding of two other officers, one of whom is not expected to survive his wounds.

Miller, sought by the police for months in connection with a hold-up in which \$9,000 belonging to the Public Service Corporation of New Jersey was taken in West New York last winter, was trapped in two furnished rooms he occupied with a woman companion at 10 Manhattan avenue, Jersey City. Warned by the woman, who called herself Mrs. Miller, that detectives were outside the door, waiting for him, he appeared at the door and fired point-blank at the two men he confronted.

Detective Sergeant John Black and Detective Clarence Weir dropped to the hallway floor and died instantly. Miller then blazed away at two dark forms who stepped up the stairs and probably mortally wounded Lieut. Harry Otis of the West New York police and Detective James Walton of Jersey City.

Force Starts Hunt.

In five minutes half of the Jersey City police force was on the scene as well as Mayor Frank Hague and the city officials. Every house, yard, cellar and attic in the neighborhood was searched for the slayer of the policemen, but the outside hunting was fruitless, for in the meanwhile Miller was secreted in the attic of the Manhattan avenue house.

Deputy Police Chief Wolfe was the first to detect a trap door leading to the garret. He whispered to his aides that he believed the man was in hiding there, but would permit no one to venture near the door. Next he sent to police headquarters for gas bombs and

THEATRE OWNERS DROP HAYS PLAN

Chicago Exhibitors' Convention Rejects Equitable Contract Drawn Up by Producers' Head.

DENOUNCE SEVEN CLAUSES

By LOUELLA O. PARSONS.
(Special Dispatch to The Morning Telegraph.)

CHICAGO, May 22. Any remote hope that the Motion Picture Theatre Owners might reconsider the equitable contract was dashed today when a unanimous resolution was passed by the convention body to reject the uniform contract offered by Will H. Hays. This decision was reached following a report read by W. D. Burford in which every phase of the Hays plan for establishing an equitable contract between producer and exhibitor was gone into in a minute manner.

Mr. Burford stated with the first meeting held on June 12, 1922, at the Biltmore, following instructions issued at the Washington convention last year that a committee from the M. P. T. O. A. should meet with Mr. Hays. This committee—W. A. True of Hartford; W. T. Steffes of Minneapolis and W. D. Burford of Aurora—represented the exhibitors, while Sydney Kent of Famous Players-Lasky, Carl A. Kirchweg of Select and R. W. White of the Fox Film Company represented the Motion Picture Producers and Distributors' Association. They met over a period of six months, and their discussions and the various telegrams and letters exchanged were carefully described by Mr. Burford in his report. At no time in the past have any of the points to which the exhibitors take exception been made public. For the first time these points were given out. Each one of these offensive clauses was enumerated, and Mr. Burford told in some detail why each one was unacceptable to the theatre owners.

Denounce Seven Clauses.

They follow:
1. The clause retaining the ownership by the distributing company of advertising accessories when the exhibitor has paid for them.
2. The clause requiring cash deposits.
3. The clause denying the exhibitors the right to cut out any part of a film, even advertising matter, skillfully worked in, objectionable scenes or political propaganda.
4. The clause requiring the exhibitors to advertise the name of the producer and distributor in their paid newspaper advertising.
5. The method of fixing play dates and the omission of any method of changing play dates.
6. The clause affecting the automatic rejection of applications for contract.
7. The arbitration clause which attempts to deny constitutional rights to trial by jury and to compel members from California to Maine to arbitrate under the laws of the State of New York

and under rules drawn by the distributors.

W. W. Whitson of San Diego, California, offered a resolution condemning the Hays contract. John Mannheimer of New York moved that the resolution be adopted and it was unanimously agreed to accept Mr. Whitson's recommendation. The resolution signed in behalf of the M. P. T. O. A. bears the signatures of W. W. Whitson, chairman; Charles T. Sears, Martin C. Smith, C. C. Griffin, Tom Arthur, Howard Smith and C. E. Williams.

The Theatre Owners' Chamber of Commerce of New York City have already endorsed the Hays equitable contract, so it will be interesting to know under what agreement the M. P. T. O. A. will book its pictures this coming year.

Valentino Causes Sensation.
The convention had no more than settled down after this revolutionary decision than Rodolph Valentino burst another bomb of oratorical surprise. Before Mr. Valentino made his appearance Sydney S. Cohen said that he had requested the young gentleman to refrain from mentioning the name of the company with which he has had his legal difficulties. Apparently Mr. Valentino either did not hear or he did not want to hear, or he gave a talk against the film company that for dramatic oratory would put Clay or any other speaker in the shade.

Mr. Valentino called the independent theatre owners and actor-producers the white hope of the industry—and better that they all work together to keep the picture business from going to the merry old show boys. Mr. Hays, who seemed to be the feature star of the convention yesterday, came in for some raps from the "Shubert." He was called the Sunday-School Apostle of the Industry, the paid agent of the producers and few more similar names.

After urging the exhibitors to organize to fight the common enemy, Rodolph received an ovation that shook the rafters. Sydney Cohen, who was presiding, in thanking Mr. Valentino, said: "You see, he headed my request and refrained from mentioning the film company with whom he is fighting."
Mrs. Sidney Drexler to Return.
Mrs. Sidney Drexler gave the jaded and weary delegates something pleasant to look upon when she entered the convention hall and announced her intention of returning to the screen in a series of comedies of the type she and her husband produced with such success. Mrs. Drexler's convention surprise was the announcement that Raymond Hitchcock would co-star with her in her coming series of two-reel comedies.
The late hours kept by the conventioners has made it next to impossible to get any one in the convention hall before noon. Once the delegates get in their seats Mr. Cohen is loath to let them depart before the whole program is complete. Hence, instead of a morning and

SOUTHAMPTON WON BY QUINCY STABLE 3 TIMES IN A ROW

Carol, 3-Year-Old Son of Ormondale and Bonnie Carrie, Beats Greentree Stable's Dustabout and Oneck Stable's Hobgoblin, Repeating Victories of Knobbie and Relay.

LUCKY HOUR BACK TO RACE

Lexington Stable's Son of Hourless and Lucky Catch Makes First Appearance Since Last Season and Runs Great Race, but Is Beaten by Narrow Margin.

WINNERS AT JAMAICA.

FIRST RACE.
Margaret Lawrence, 1, to 3 straight, out place and out show, won.
Loanda, 5, to 2 straight, out place and out show, second.
Tollima, 5, to 2 straight, out place and out show, third.

SECOND RACE.
See Cove, 15, to 5 straight, even place and 2 to 5 show, won.
Firing Devil, 16, to 5 straight, even place and 2 to 5 show, second.
Sardone, 4, to 1 straight, 7 to 5 place and 1 to 2 show, third.

THIRD RACE.
Ticklish, 13, to 5 straight, 6 to 5 place and 2 to 5 show, won.
Clenchford, 4, to 1 straight, 9 to 5 place and 2 to 5 show, second.
Margaret White, 10, to 1 straight, 12 to 1 place and 6 to 1 show, third.

FOURTH RACE.
Carol, 12, to 1 straight, 4 to 1 place and 5 to 1 show, won.
Dustabout, 3, to 1 straight, even place and 1 to 5 show, second.
Hobgoblin, 11, to 5 straight, 2 to 5 place and 3 to 5 show, third.

FIFTH RACE.
Fellows, 10, to 1 straight, 4 to 1 place and 4 to 1 show, won.
Recommendation, 6, to 1 straight, 11 to 5 place and even show, second.
Basset, 7, to 1 straight, 5 to 2 place and 6 to 5 show, third.

SIXTH RACE.
Rigel, 8, to 5 straight, 2 to 5 place and out show, won.
Lucky Hour, 9, to 5 straight, 2 to 5 place and out show, second.
Silt, 12, to 5 straight, 2 to 5 place and out show, third.

By JOHN I. DAY.

Even though J. Ryer's good filly, Dot, was a complete failure in her race for the Southampton Handicap, feature event of yesterday's racing card at Jamaica, she still will be shipped to Kentucky to try for the Oaks to be run at Churchill Downs next Saturday. Dot disappointed her owner, and he was not the only one that suffered disappointment, for this daughter of Tagliamento and Dorizes was the outstanding choice in the race. It was evident that the muddy going was not at all to the liking of this filly and her owner feels confident that she will run much better over the fast Churchill Downs track, provided it is in good condition on Oaks day.

There was a big surprise in the result of the Southampton when the Quincy Stable's Carol took an early lead and kept it all through the mile and a sixteen journey to win handily by a length and a half. Although it should have been figured that Carol is a much better horse in the mud than on a fast track, there were few aside from his own stable that considered him a dangerous contender.

The hunch players had every reason to support Carol, however, for this is the third time in succession that the Southampton Handicap has been won by the Quincy Stable. Last year it was Relay who carried the copper colors to victory, and the year before Knobbie, later sold to the Rancocas Stable, did the trick. Carol is no great horse, however, and the time of 1:48 1-5 was nearly four seconds more than that of Relay last year.

Hobgoblin Also Disappoints.
Another disappointment was the Oneck Stable's Hobgoblin, who could do no better than finish third three-quarters of a length behind the Greentree Stable's Dustabout, with Moonraker, another Greentree candidate, just a nose behind the third horse. Dustabout was a good horse in the race, for after being away none too well, he was coming strongly at the end.

Maj. August Belmont's Messenger was withdrawn from the race, along with R. L. Gerry's William Tell and Henry Alterman's Homestretch, leaving an even half dozen to face the starter in front of the stand. It was a field that gave promise of a good horserace

AMERICAN BEAUTY A BRIDE.



Katherine MacDonald yesterday married Charles Schoen Johnson, grandson of inventor of modern steel railroad car.

10-DAY COURTSHIP WINS FILM STAR

Katherine MacDonald Becomes Bride of Charles Schoen Johnson of Philadelphia.

MAY RETIRE FROM SCREEN

(Special Dispatch to The Morning Telegraph.)

PHILADELPHIA, Pa., May 22. Following a courtship of less than ten days, Katherine MacDonald, screen star, who formerly was Mrs. Malcolm Stripes, was married this afternoon to Charles Schoen Johnson of Philadelphia, grandson of the late Charles T. Schoen, inventor of the pressed steel railroad car.

The ceremony, which was performed by the Rev. Marva S. Poulson, pastor of the Ventnor Community Church, took place at the home of Mr. Johnson's mother, Mrs. R. J. Held, 104 South Cornwall avenue, Ventnor. Miss MacDonald and Mr. Johnson have been guests of Dr. and Mrs. Held since Saturday.

(Continued on Page 7, Column 2.)

PETERS MURDER RE-ENACTED AT NIGHT

Authorities, With Witnesses, Endeavor to Reconstruct Tragedy on Kensico Reservoir Road.

WARD BORROWED \$20,000

(Special Dispatch to The Morning Telegraph.)

WHITE PLAINS, May 22. Representatives of the office of the Attorney General of New York State and the State Constabulary left here last night at 8 o'clock for the lonely spot on the Kensico Road, where Clarence Peters was slain, just a year ago. There they re-enacted the tragedy as related by the self-confessed slayer, Walter S. Ward.

It was brought out at the investigation before Deputy Attorney General Wilbur W. Chambers, yesterday that Walter S. Ward had had occasion to borrow \$20,000 during the early part of 1922.

This sum was obtained from the Bronx branch of the Corn Exchange Bank, according to Philip J. Eberhard, manager of the branch, who produced the records of the bank, relative to the not given by Ward, under subpoena.

As collateral, Eberhard testified, Ward deposited 200 shares of the preferred stock of the Ward Baking Company, valued at \$102 a share; and fifty

WANT PROTECTION, ADMIT EXHIBITORS

Theatre Owners at Famous-Players-Lasky Hearing Demand Freedom From Close Competition.

ALL USE BLOCK SELLING

Producing Companies in General Expect Purchase of Release in Definite Number.

The nature of the "first run" contract between Famous Players-Lasky Corporation and the Loew circuit of theatres in New York City, together with its effect upon independent exhibitors, was the subject matter at yesterday's session of the investigation into the business methods of the Famous Players-Lasky Corporation. Independent exhibitors were the witnesses. C. E. Alford of the Federal Trade Commission presided.

The testimony was much the same as on other days. Independent exhibitors take the position that the Loew circuit has protection far beyond the territory served by the various Loew theatres and that independents are unnecessarily restricted thereby. Cross-examination developed that they are also eager for all the protection they can get on first run pictures, protection meaning that the second run of a picture shall not take place until seven days after the first run. On this subject the exhibitors were spirited in the statement of their position and equally frank in admitting they also demand protection.

Alfred R. Harston of 137 West 110th street, owner of the Regan and Dyckman theatres, testified that at one time Paramount availed itself of its contract right and withdrew from him nine pictures which he had bought in a lump contract. After designating them as special, he like all the other exhibitors, was asked if that clause of the contract requiring payment for a picture seven days in advance of its showing was enforced. All the witnesses have thus far testified that it was not.

Same With Other Producers.

On cross-examination he was asked if his dealings with Famous Players-Lasky were substantially different from his dealings with other distributing agencies. He said they were not.

Alton Bradbury, who has the Olympia Theatre at 10th and Broadway, testified that he had bought a whole lot of some forty Paramount pictures in order to get a contract with that firm. He said a Loew theatre at Eighth third street had lost run on pictures that he did not think such an arrangement reasonable in view of their nearness. He described in detail an effort made to form an agreement with independent exhibitors in his neighborhood to prevent bidding up the prices for pictures. The effort eventually failed because one group bid up prices so high that the other exhibitors would not bid. "I would not want to deal with Paramount more difficult than with other distributing agencies," asked Robert Swaine, of counsel for Famous Players-Lasky. "Yes, I would not want to deal with them more difficult than any of the others."

"Would you say that their pictures are just a little better than the others?" "Yes, I would."

"In your experience what pictures have had the best box office strength?" "Paramount."

Mr. Bradbury, who resides in New Rochelle and has a number of theatres in which he is interested, testified that he had

shares of the common stock of the same company with a value of \$111 a share. When the loan was not taken up in April of the same year the preferred stock was sold by the bank, and Ward's name was omitted with \$20,000. The next day the fifty shares of the common stock, which had been part of the collateral, were returned to Ralph D. Ward, Walter's brother, and Eberhard.

It was from Ralph Ward that Walter borrowed the stock which he put up, according to a letter from the former, which was read into the record.

George E. Frost, vice-president of the Columbia Bank and former manager of the Bronx branch of the Corn Exchange Bank from whom Ward obtained the loan, said that he had not asked Ward for what purpose he wanted the money. Henry E. Hartnett of Lyon & Hartnett, funeral directors of White Plains, told of having been summoned to get the body of the man later identified as Clarence Peters, on King's Road near the reservoir. He told of its identification by Earl Hardy, Peters' uncle, and of the precautions which he observed in delaying embalming until after the funeral.

Hartnett said he had not talked to Ward, whom he did not know or to any of his lawyers. He admitted, however, that he did not know all the people who had viewed Peters' body.

Laura Wright, the negro, who cared for Ward's apartment in the Ponciana apartment house on West 120th street in the absence of Mrs. Olsen, wife of the superintendent, also testified.

In the time she worked there, which was several weeks, she said she had never seen a revolver, any women, or even Ward himself. She saw no jewelry, and only one pair of pajamas, which were torn.

The hearing was adjourned without date.

CUVILLER DEMANDS FULL IMMUNITY IN ENRIGHT LIBEL CASE

Assemblyman Maintains He Was Acting in His Capacity as Member of Legislature in Any Statement He May Have Made About Police Commissioner.

TELEGRAM CHIEF FEATURE

Corrigan Explains Certain Paragraph Was Not Meant to Be Published—Pecora Declares Act Was Done Before Magistrate Changed His Mind and Telephoned Newspapers.

Assemblyman Louis A. Cuviller, before Judge T. C. Train, sitting as a committing magistrate, asserted legislative immunity for anything he may have said about Police Commissioner Enright on the floor of the legislative halls, and also for the telegram subsequently sent by him to Magistrate Joseph E. Corrigan.

For the Magistrate it was asserted that the message he received was from a legislator intent on his public duty seeking aid in furtherance of his purpose, therefore he cannot be held in criminal libel or upon any other charge.

The session of the investigation of bootleg charges involving the New York Police Department, in progress before Judge Train, centered yesterday on Police Commissioner Enright's charges against Assemblyman Cuviller and the magistrate alleging criminal libel.

At the end of the afternoon session John D. Lindsay, counsel for Magistrate Corrigan, asked for a dismissal on the ground of insufficient evidence.

Judge Train, rejecting the motion, asked Mr. Lindsay if he understood him correctly, receiving this answer:

"That's right. We've had enough of this. We're going to let the case go. Mr. Lindsay said Magistrate Corrigan was not dodging the issue and at the proper time in a tribunal of his own choosing he would produce such information as he was hearing upon the question."

Crain States Case.

"The facts seem to be these," said Judge Crain, "that a telegram was received by Magistrate Corrigan from Assemblyman Cuviller. That the telegram was left on the magistrate's desk in his study, that one or more reporters called to see him and that the type was sufficiently large for them to see the name on it."

"By acquiescence on the part of Magistrate Corrigan a reporter was allowed to make a copy and did so. He was then asked to take it for the purpose of having it inserted in his and other papers. He took it and then, not very long afterward, Judge Corrigan reached the conclusion that that part of the telegram that ought not, under all the circumstances, to appear in print, and he communicated with the gentleman who copied the telegram and informed him of his conclusion."

"We have the testimony of that gentleman about the effort made by Judge Corrigan, and it appears that he was successful in causing that part of the telegram to be left out of the way it appeared in all the newspapers, except one. But it did appear in full in the New York Times."

"The question of law in this case is whether one who places an article with a view to having it published is absolved when he desires to have it not appear antedates its appearance."

"It is the contention of the people that the fact that Judge Corrigan changed his mind has no bearing on the fact that the matter appeared subsequently," Judge Crain said.

Matter of Time.

Judge Crain said he would be willing to receive a memorandum on the point raised by Attorney Lindsay, and added: "The point now seems to be whether the change of mind of Judge Corrigan, ante-dating the actual publication, absolves him from criminal liability. There ought to be, it seems to me, some information from the office of the New York Times as to the time it went to press with the article containing the telegram. There are two things that we ought to know."

"First, who was communicated with at the Times office and was responsible for the publication of the Times article, and second, the time when the paper actually went to press."

Assistant District Attorney Pecora contended that the libel was committed April 22, 1923, when Judge Corrigan showed reporters the telegram which caused the libel suit. He asserted that this act of the Magistrate constituted a complete libel, regardless of the publication. He said that under the law a libel is committed just as soon as the libellous matter is put in the newspaper. He also said that the phrase, "Enright and his graft collectors," was not the libellous matter in the telegram.

Both sides were given time to file briefs and the case was adjourned until 10:30 o'clock next Tuesday morning.

Enright Takes Stand.

Commissioner Enright was called to the stand by Mr. Lindsay. His testimony was brief. He was shown a copy of the complaint and identified his signature. Mr. Lindsay asked him what information he had that the telegram in full was

FULL SELECTIONS WILL BE FOUND ON PAGE 12.
FAIR PLAY'S ONE BEST
(AT JAMAICA.)
SUE DONOVAN.
SHARPSHOOTER'S ONE BEST
(AT CHURCHILL DOWNS.)
BRAEDALBAINE

THE WEATHER.

Fair and warmer to-day and to-morrow.

R. H. Macy & Co.

HERALD SQUARE Inc. NEW YORK

Equip Yourself Today for Decoration Day Outings

3,000 Men's
Straw Hats
\$1.88 and \$2.29



The popular styles and braids of the season, in both smooth and saw-edge brim effects. The relation between brim width and crown height is properly proportioned.

Also—a complete line of hats of the better grades
Panamas, Bangkoks, Balibuntals

Macy's Main Floor, 35th Street.



Men's Oxfords, \$5.94

Built for Comfort

Unusually comfortable for business, sport, or social wear, are these "roomy-toe" Oxfords, in the new trouser-crease, boxless model.

These Oxfords are carefully made in every detail, and may be had in either black or tan with rubber heels.

All Sizes

Macy's Main Floor Balcony, 35th Street, Rear.

In the Macy Shirt Week

3,000 Men's
White Oxford Shirts
\$1.59

Shirts made especially to meet our strict requirements in tailoring, measurements and finish. They are not skimpy—all measurements are full.

Collar Attached Styles
With Single Cuffs

Sizes 13 1/2 to 17

Macy's Main Floor, 35th Street.

WANTS PARAMOUNT TO CUT ITS PRICES

Witness at Trust Hearing Says Pictures Are Best, but Cost Too Much.

HOW FILMS ARE BOUGHT

Nikita Dizon, who owns two motion picture theatres in Olean and two in Batavia, N. Y., presented the exhibitor's view of rising prices for motion pictures yesterday on the witness stand before O. E. Alvord, who is taking testimony for the Federal Trade Commission. He testified that he purchased Paramount Pictures, beginning in 1914 and continuing until 1920. In that year, when business conditions in Olean had, he went to the district manager for Famous Players-Lasky Corporation and asked for lower prices. The request was not granted.

On an offer of a block of Paramount pictures at \$80 each he said the best he could offer was \$30 each. He bought a few feature films but said prices were so high he lost money on them. After the disagreement as to prices for the block of pictures, he testified, he learned from a friend in Buffalo that Famous Players-Lasky was going to send a man to "check" his house—that is, count the going-in inventory. He recognized in Batavia a man from the Buffalo exchange and asked him what he was doing there. The man said he was there to settle an account and showed a handful of legal documents. The following night, Dizon testified, he saw this man checking the house, and shortly thereafter he was worded from managers of other exchanges from which he buys pictures.

tures that prices would have to be higher.

Prices Were Raised.

On this circumstance he based the charge that the figures resulting from the checking were communicated to other exchange managers. He said that one manager communicated with him a week later and said he had been getting pictures so cheaply he was "practically stealing them."

Dizon said this situation caused him such alarm that he bought a block of forty-one pictures from Paramount at an average price of \$130 each though he did not believe he could make money on them at that figure. Finally he quit buying from Paramount entirely and sent letters from the Paramount office to residents of the town asking them to ask the theatre manager why they got no Paramount pictures. "He estimated that 3,000 of these letters were sent."

On cross-examination, the witness was asked if he knew of his own knowledge that figures on the number of persons attending his theatre were communicated to other exchange managers. He said he did not believe he could make money on them at that figure. Finally he quit buying from Paramount entirely and sent letters from the Paramount office to residents of the town asking them to ask the theatre manager why they got no Paramount pictures. "He estimated that 3,000 of these letters were sent."

Robert Swaine, attorney for Famous Players, brought out, by long questioning, that films are always bought by a process of negotiation and that the original bid and original offer are always far apart.

"Taking the average for a year or for a whole block of pictures, isn't the drawing power and quality of Paramount pictures higher than that of any others?"

"Yes, it is higher; but the price is too much higher."

"You can get other pictures than Paramount?"

"Yes."

"And some of the other pictures are just as good or even better than some of Paramount's?"

"Yes. But Paramount does national advertising. If you take an extra good picture from somebody else a local manager will have to spend a lot more money in advertising to make it go as good as an equal Paramount picture."

"But you still think Paramount Pictures cost too much?"

"Yes."

At the conclusion of yesterday's session recess was taken until Monday morning at 10:30 o'clock. The earnings are held in the Engineering Societies Building at 25 West Thirty-ninth street.

PEGGY WARD HEIR.

Actress Gets Half the Estate of Her Late Father.

By direction of Surrogate Foley, Edward W. Buckley, attached to the local office of the State Tax Commission, was yesterday appointed transfer tax State appraiser of the estate left by Eugene Wood, humorist and author, who died on February 25 last, and was the father of Peggy Wood, actress, and a former resident of Northport, L. I., in "less than \$10,000" in personality, and by his will, executed on December 2 last, he divided this equally between his daughter, who is with "The Clinging Vine," and his sister, May L. Wood, both of 105 East Nineteenth street, and named the sister, without bonds, as the executrix.

Governer Signs Two Lusk Resolutions

(Special Dispatch to The Morning Telegraph.)

ALBANY, May 25.—Governor Smith yesterday signed the two bills repealing the so-called Lusk anti-education laws relative to the qualification of school teachers and the licensing and supervision of schools and school courses.

The Morning Telegraph Racing Chart

BELMONT PARK, L. I., FRIDAY, MAY 25, 1923.

Second day of the Spring meeting of the Westchester Racing Association. Weather clear. Nineteen days. Oral.

Prestige Judges, R. C. Smith and C. Corbally. Starter, M. Cassidy. Racing Secretary, A. McElroy.

First race called at 1:30 P. M. "Indicates five pounds allowance: "Five pounds. Off time in official time."

Equipment—W. Whip: R. Spurs: R. Bilkens.

28101 FIRST RACE—Six furlongs, Main Course. (12:30N-1:04P-1:30P) Time, 2:38.45.

28102 SECOND RACE—Five furlongs, Main Course. (1:30P-2:00P-2:30P) Time, 2:10.45.

28103 THIRD RACE—Four furlongs, Main Course. (2:00P-2:30P-3:00P) Time, 1:58.45.

28104 FOURTH RACE—Three furlongs, Main Course. (3:00P-3:30P-4:00P) Time, 1:46.45.

28105 FIFTH RACE—Two furlongs, Main Course. (4:00P-4:30P-5:00P) Time, 1:34.45.

28106 SIXTH RACE—One furlong, Main Course. (5:00P-5:30P-6:00P) Time, 1:22.45.

28107 SEVENTH RACE—Half mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:10.45.

28108 EIGHTH RACE—Three eighths mile, Main Course. (7:00P-7:30P-8:00P) Time, 1:08.45.

28109 NINTH RACE—Two eighths mile, Main Course. (8:00P-8:30P-9:00P) Time, 1:06.45.

28110 TENTH RACE—One eighth mile, Main Course. (9:00P-9:30P-10:00P) Time, 1:04.45.

28111 ELEVENTH RACE—Sixteenth mile, Main Course. (10:00P-10:30P-11:00P) Time, 1:02.45.

28112 TWELFTH RACE—Thirty-second mile, Main Course. (11:00P-11:30P-12:00P) Time, 1:00.45.

28113 THIRTEENTH RACE—Sixty-fourth mile, Main Course. (12:00P-12:30P-1:00P) Time, 1:00.45.

28114 FOURTEENTH RACE—One hundred and twenty-eighth mile, Main Course. (1:00P-1:30P-2:00P) Time, 1:00.45.

28115 FIFTEENTH RACE—Two hundred and fifty-sixth mile, Main Course. (2:00P-2:30P-3:00P) Time, 1:00.45.

28116 SIXTEENTH RACE—Five hundred and twelve mile, Main Course. (3:00P-3:30P-4:00P) Time, 1:00.45.

28117 SEVENTEENTH RACE—One thousand two hundred and twenty-four mile, Main Course. (4:00P-4:30P-5:00P) Time, 1:00.45.

28118 EIGHTEENTH RACE—Two thousand four hundred and forty-eight mile, Main Course. (5:00P-5:30P-6:00P) Time, 1:00.45.

28119 NINETEENTH RACE—Four thousand nine hundred and ninety-six mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:00.45.

28120 TWENTIETH RACE—Nine thousand nine hundred and ninety-two mile, Main Course. (7:00P-7:30P-8:00P) Time, 1:00.45.

28121 TWENTY-FIRST RACE—Nineteen thousand eight hundred and eighty-four mile, Main Course. (8:00P-8:30P-9:00P) Time, 1:00.45.

28122 TWENTY-SECOND RACE—Thirty-nine thousand seven hundred and sixty-eight mile, Main Course. (9:00P-9:30P-10:00P) Time, 1:00.45.

28123 TWENTY-THIRD RACE—Seventy-nine thousand five hundred and thirty-six mile, Main Course. (10:00P-10:30P-11:00P) Time, 1:00.45.

28124 TWENTY-FOURTH RACE—Fifty thousand mile, Main Course. (11:00P-11:30P-12:00P) Time, 1:00.45.

28125 TWENTY-FIFTH RACE—One hundred thousand mile, Main Course. (12:00P-12:30P-1:00P) Time, 1:00.45.

28126 TWENTY-SIXTH RACE—Two hundred thousand mile, Main Course. (1:00P-1:30P-2:00P) Time, 1:00.45.

28127 TWENTY-SEVENTH RACE—Four hundred thousand mile, Main Course. (2:00P-2:30P-3:00P) Time, 1:00.45.

28128 TWENTY-EIGHTH RACE—Eight hundred thousand mile, Main Course. (3:00P-3:30P-4:00P) Time, 1:00.45.

28129 TWENTY-NINTH RACE—One million mile, Main Course. (4:00P-4:30P-5:00P) Time, 1:00.45.

28130 THIRTIETH RACE—Two million mile, Main Course. (5:00P-5:30P-6:00P) Time, 1:00.45.

28131 THIRTY-FIRST RACE—Four million mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:00.45.

28132 THIRTY-SECOND RACE—Eight million mile, Main Course. (7:00P-7:30P-8:00P) Time, 1:00.45.

28133 THIRTY-THIRD RACE—Sixteen million mile, Main Course. (8:00P-8:30P-9:00P) Time, 1:00.45.

28134 THIRTY-FOURTH RACE—Thirty-two million mile, Main Course. (9:00P-9:30P-10:00P) Time, 1:00.45.

28135 THIRTY-FIFTH RACE—Sixty-four million mile, Main Course. (10:00P-10:30P-11:00P) Time, 1:00.45.

28136 THIRTY-SIXTH RACE—One hundred and twenty-eight million mile, Main Course. (11:00P-11:30P-12:00P) Time, 1:00.45.

28137 THIRTY-SEVENTH RACE—Two hundred and fifty-six million mile, Main Course. (12:00P-12:30P-1:00P) Time, 1:00.45.

28138 THIRTY-EIGHTH RACE—Five hundred and twelve million mile, Main Course. (1:00P-1:30P-2:00P) Time, 1:00.45.

28139 THIRTY-NINTH RACE—One billion mile, Main Course. (2:00P-2:30P-3:00P) Time, 1:00.45.

28140 FORTIETH RACE—Two billion mile, Main Course. (3:00P-3:30P-4:00P) Time, 1:00.45.

28141 FORTY-FIRST RACE—Four billion mile, Main Course. (4:00P-4:30P-5:00P) Time, 1:00.45.

28142 FORTY-SECOND RACE—Eight billion mile, Main Course. (5:00P-5:30P-6:00P) Time, 1:00.45.

28143 FORTY-THIRD RACE—Sixteen billion mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:00.45.

28144 FORTY-FOURTH RACE—Thirty-two billion mile, Main Course. (7:00P-7:30P-8:00P) Time, 1:00.45.

28145 FORTY-FIFTH RACE—Sixty-four billion mile, Main Course. (8:00P-8:30P-9:00P) Time, 1:00.45.

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28148 FORTY-EIGHTH RACE—Five hundred and twelve billion mile, Main Course. (11:00P-11:30P-12:00P) Time, 1:00.45.

28149 FORTY-NINTH RACE—One trillion mile, Main Course. (12:00P-12:30P-1:00P) Time, 1:00.45.

28150 FIFTIETH RACE—Two trillion mile, Main Course. (1:00P-1:30P-2:00P) Time, 1:00.45.

28151 FIFTY-FIRST RACE—Four trillion mile, Main Course. (2:00P-2:30P-3:00P) Time, 1:00.45.

28152 FIFTY-SECOND RACE—Eight trillion mile, Main Course. (3:00P-3:30P-4:00P) Time, 1:00.45.

28153 FIFTY-THIRD RACE—Sixteen trillion mile, Main Course. (4:00P-4:30P-5:00P) Time, 1:00.45.

28154 FIFTY-FOURTH RACE—Thirty-two trillion mile, Main Course. (5:00P-5:30P-6:00P) Time, 1:00.45.

28155 FIFTY-FIFTH RACE—Sixty-four trillion mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:00.45.

28156 FIFTY-SIXTH RACE—One hundred and twenty-eight trillion mile, Main Course. (7:00P-7:30P-8:00P) Time, 1:00.45.

28157 FIFTY-SEVENTH RACE—Two hundred and fifty-six trillion mile, Main Course. (8:00P-8:30P-9:00P) Time, 1:00.45.

28158 FIFTY-EIGHTH RACE—Five hundred and twelve trillion mile, Main Course. (9:00P-9:30P-10:00P) Time, 1:00.45.

28159 FIFTY-NINTH RACE—One quadrillion mile, Main Course. (10:00P-10:30P-11:00P) Time, 1:00.45.

28160 SIXTIETH RACE—Two quadrillion mile, Main Course. (11:00P-11:30P-12:00P) Time, 1:00.45.

28161 SIXTY-FIRST RACE—Four quadrillion mile, Main Course. (12:00P-12:30P-1:00P) Time, 1:00.45.

28162 SIXTY-SECOND RACE—Eight quadrillion mile, Main Course. (1:00P-1:30P-2:00P) Time, 1:00.45.

28163 SIXTY-THIRD RACE—Sixteen quadrillion mile, Main Course. (2:00P-2:30P-3:00P) Time, 1:00.45.

28164 SIXTY-FOURTH RACE—Thirty-two quadrillion mile, Main Course. (3:00P-3:30P-4:00P) Time, 1:00.45.

28165 SIXTY-FIFTH RACE—Sixty-four quadrillion mile, Main Course. (4:00P-4:30P-5:00P) Time, 1:00.45.

28166 SIXTY-SIXTH RACE—One hundred and twenty-eight quadrillion mile, Main Course. (5:00P-5:30P-6:00P) Time, 1:00.45.

28167 SIXTY-SEVENTH RACE—Two hundred and fifty-six quadrillion mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:00.45.

28168 SIXTY-EIGHTH RACE—Five hundred and twelve quadrillion mile, Main Course. (7:00P-7:30P-8:00P) Time, 1:00.45.

28169 SIXTY-NINTH RACE—One quintillion mile, Main Course. (8:00P-8:30P-9:00P) Time, 1:00.45.

28170 SIXTY-THIRD RACE—Two quintillion mile, Main Course. (9:00P-9:30P-10:00P) Time, 1:00.45.

28171 SIXTY-FOURTH RACE—Four quintillion mile, Main Course. (10:00P-10:30P-11:00P) Time, 1:00.45.

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28178 SIXTY-FOURTH RACE—Five hundred and twelve quintillion mile, Main Course. (5:00P-5:30P-6:00P) Time, 1:00.45.

28179 SIXTY-FIFTH RACE—One sextillion mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:00.45.

28180 SIXTY-SIXTH RACE—Two sextillion mile, Main Course. (7:00P-7:30P-8:00P) Time, 1:00.45.

28181 SIXTY-SEVENTH RACE—Four sextillion mile, Main Course. (8:00P-8:30P-9:00P) Time, 1:00.45.

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28184 SIXTY-THIRD RACE—Thirty-two sextillion mile, Main Course. (11:00P-11:30P-12:00P) Time, 1:00.45.

28185 SIXTY-FIFTH RACE—Sixty-four sextillion mile, Main Course. (12:00P-12:30P-1:00P) Time, 1:00.45.

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28187 SIXTY-SEVENTH RACE—Two hundred and fifty-six sextillion mile, Main Course. (2:00P-2:30P-3:00P) Time, 1:00.45.

28188 SIXTY-EIGHTH RACE—Five hundred and twelve sextillion mile, Main Course. (3:00P-3:30P-4:00P) Time, 1:00.45.

28189 SIXTY-NINTH RACE—One septillion mile, Main Course. (4:00P-4:30P-5:00P) Time, 1:00.45.

28190 SIXTY-THIRD RACE—Two septillion mile, Main Course. (5:00P-5:30P-6:00P) Time, 1:00.45.

28191 SIXTY-FOURTH RACE—Four septillion mile, Main Course. (6:00P-6:30P-7:00P) Time, 1:00.45.

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28195 SIXTY-EIGHTH RACE—Sixty-four septillion mile, Main Course. (10:00P-10:30P-11:00P) Time, 1:00.45.

28196 SIXTY-NINTH RACE—One octillion mile, Main Course. (11:00P-11:30P-12:00P) Time, 1:00.45.

28197 SIXTY-THIRD RACE—Two octillion mile, Main Course. (12:00P-12:30P-1:00P) Time, 1:00.45.

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28199 SIXTY-FIFTH RACE—Eight octillion mile, Main Course. (2:00P-2:30P-3:00P) Time, 1:00.45.

28200 SIXTY-SIXTH RACE—Sixteen octillion mile, Main Course. (3:00P-3:30P-4:00P) Time, 1:00.45.

28201 SIXTY-SEVENTH RACE—Thirty-two octillion mile, Main Course. (4:00P-4:30P-5:00P) Time, 1:00.45.

CARROLL-A. E. A. IN FINISH BATTLE

Composer-Producer and Actors' Organization Go Ahead With Respective Plans.

HINT AT A FURTHER WALKOUT

Rehearsals Go On as Rumors Circulate That Musicians and Stage Hands May Act.

In the war between Earl Carroll, independent producing manager in charge of the Earl Carroll Theatre, and the Actors' Equity Association, a war threatening the opening June 25 of Mr. Carroll's "Varieties of 1923," the officers of the A. E. A., mystified over several developments, are still arguing over who is responsible for the present situation.

Mr. Carroll, professing friendship for the Equity, is endeavoring to stage a production without the approval of that organization according to its officers. Questioning the right of Equity to interfere, basing this contention on the fact that the principals in the cast of "Varieties of 1923" mainly are from the ranks of vaudeville, he says he is prepared to pay salaries in excess of the Equity scale.

"I agreed to pay chorus men affiliated with the Equity \$50 a week," said Mr. Carroll. "They withdrew. I did not disagree with them. I needed them. They will be welcomed back at \$75 a week. I have not dismissed any one. Those who stepped aside did so voluntarily."

Test of the Principals.

"My principals include Peggy Hopkins Joyce, Joe Cook, Joe Marks, James Duffy, Harry Burns and company, Roy Junt, Dorothy Neville, Renoff & Lee, Lane & Lavio, Margaret Davies, Claire Elgin, Margaret Edwards, Sam Herbert, Herman, Dorothy Knapp, Frank Leslie and Reikema."

"In the cast are ninety-one persons. I do not object if one or all join Equity. I have the pick of chorus girls in this city. It is not up to me to require them to affiliate with the A. E. A."

Pickets placed in the vicinity of the Earl Carroll Theatre by the A. E. A. at 11 o'clock last Saturday morning were withdrawn after a short time when a lieutenant of police advised Equity officials that possibly placing pickets was not within the law.

Meanwhile, Equity is considering this phase from a legal viewpoint, inclining to the belief that the organization possesses the right to post its representatives close to the theatre to inform performers of the state of affairs.

Won't Discuss Further Action.

At Equity headquarters at the top landing of the main entrance is a warning to its members not to sign contracts with the Earl Carroll Theatre production of "Varieties of 1923."

SAILOR FRIEDMAN GOES ON TRIAL AS SLAYER

Will Continue to Train for Bout July 4. While Court Hears Testimony.

(By United News to The Morning Telegraph.) CHICAGO, June 11. Saylor Friedman, local leather pusher, is matched against the State of Illinois in a finish legal bout for his freedom, beginning to-morrow, and against Lew Fowler in a ten-round go at Michigan City, July 4.

Friedman's first battle is the result of the murder of Abe Rubin in a Chicago saloon eight months ago. The prizefighter was convicted of murder and sentenced to four years in prison, but won a new trial on appeal.

"ADRIENNE" MAKES RECORD

Verba Production Has Full Houses in Supposedly Daily Times.

"Adrienne," the musical comedy starring Virginia Segal, claims a new record for June. In the face of supposed poor business due to the season, this show, which is Louis F. Verba's first production in years in the musical comedy field, has played to "standing room only" the last four performances.

Last night, designated as "Blue Monday" by managers, the Cohen Theatre was filled to capacity, even the second tier boxes being sold out. This indicates, it was pointed out at the theatre, a return of enthusiasm on the part of the public for summer shows, and augurs well for all Broadway.

"HICKS" OF FILMDOM HAYRIDE ON BROADWAY

The theatre crowds on Broadway last night were startled by the appearance amid the rushing taxis of an old-fashioned horse-drawn hay wagon with a merry round of wheels on board. The hayride started with much blowing of horns and harmonic accompaniment from the offices of the Warner Brothers Film Company, and after a short tour of the crowded streets wound up at the Strand Theatre, where the members of the party witnessed the performance of the Warner screen version of Sinclair Lewis' novel, "Main Street."

COMEDY IN REOPENED FILM TRUST INQUIRY

Famous Players-Lasky Films Not So Popular With Exhibitors From Brooklyn.

"THE UNIVERSAL SIXTY"

Carl Laemmle Plans That Number of Films for Year—Twenty of Them Jewels.

By LOVELLA O. PARSONS.

THE Federal Trade Commission resumed its investigation in the Famous Players-Lasky case yesterday after a two weeks' adjournment. There were many film folk on hand ready to listen to the case, and yesterday there was some good comedy furnished for all who took the trouble to go to the trial.

In the morning Hyman Rachmil, an exhibitor from Brooklyn, who owns the Supreme, the Sheffield, the Stone, the Ruppert, the Capitol and the Stadium, testified. He said that he used 350 pictures a year, but that out of that number he only showed about twenty Famous Players-Lasky films, and these second runs.

Upon being asked why he did not use more Famous Players he said in an apologetic manner:

"Well, you see my patrons don't care so much for them. They want wild melodramas."

Richard W. Saunders, comptroller of Paramount, was also a witness at the morning session. He was quizzed as to the film company's method of keeping goods and gave an elaborate bookkeeping and explained all the ways and whereof of this mathematical problem to all who were interested.

Another witness was no kin of the comptroller testified in the afternoon and proved a star witness. "We have reference to our friend Rodolph Saunders of Brooklyn," Mr. Saunders, when asked if he showed Famous Players-Lasky pictures, said:

"I certainly do not." "Well," asked Mr. Swamy, who was examining him.

"Well, you see," he said, "it is this way. I haven't run a Famous Players picture since the late Mr. Matur."

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Photo by White.

JOBYNA HOWLAND.
She will play an important role in "Secret Youth," a distinctive picture.

out on Broadway these days armed with microscopes and looking for a theatre. The concern's new special production, "Secret Youth," although it will not be finished for a month or so, is shaping up so well that officials are planning on a Broadway run some time in September if possible. What is wanted is a large theatre with dates for a picture open around the middle of that month. If it can be found Metro will introduce "Secret Youth" to blaze Broadwayites for an indefinite run.

Benefit for Peace Family.

Although "The White Rose" is supposed to end its engagement at the Lyric Theatre next Saturday night, it will be held over for a Sunday matinee and evening performance, the proceeds of which will be turned over to the widow and children of the late Albert Peace, for ten years general musical conductor and secure conductor for all Griffith pictures.

The theatre, film and music has been donated for this worthy cause, and there will be a liberal representation of Griffith stars, past and present, at both shows.

Among those who will attend are Lillian and Dorothy Gish, Richard Barthelmess, Morgan Wallace, Burr Melvish, and the players who are in "The White Rose"—Carol Dempster, Mac March, Porter Strong, Nell Hamilton, Lucille La Verne, Herbert Sutich, Charles Emmett Mack and others.

Mrs. O'Reilly to Undergo Operation.

Despite the many details necessary for the completion of the plans for the big meeting to be held at Syracuse next week, Charles O'Reilly was unable to be in his office yesterday excepting for a few hours. His wife, who is critically ill, will be operated on to-day, and the illness of Mrs. O'Reilly will be relieved.

Bert Adler Will Give Information.

About that luncheon which will be given at the Hotel Astor on Wednesday in honor of Frank Tiller, editor of the Cinematograph Weekly of London, Bert Adler, of 396 Madison avenue is chairman of arrangements and is in charge of the sale of tickets. He asks that all who are interested in the film industry telephone him at Distinctive Pictures.

Harry Reichenbach is the toastmaster, and the following have been invited to serve on the reception committee: Will H. Hays, Sydney S. Cohen, Joseph Plunkett, Robert Ward, Louis Auerbach, David Howells, Joseph Simmons, Paul Brown, George S. Kamm, Harry Ray, Louis Brock, L. V. Brown, J. W. Danenberg, George Blaisdell, Robert Welch, William A. Johnston, John Spargo and P. S. Harrison.

Jobyna Howland With Distinctive.

Jobyna Howland, whose fame as an actress is well known, has been engaged by the Distinctive Film Company to play an important part in "Secret Youth."

Mrs. Howland will be remembered for her work in "Gold Diggers" and "The Texas Nightingale."

To Give Miss Glyn a Luncheon.

Those who have met Elinor Glyn, and those who have only read of the lady of tiger skin fame are going to have a chance to meet her next Wednesday afternoon at the Ambassador when the Columbia company, acting as hosts, will entertain for Miss Glyn at a tea. Of course we mean those who are urged to be present are the various film writers.

All Our Friends Are Rejoicing.

Almost any fine evening you can hear one's friends on the radio. We never realized we had so many speakers among our friends until the radio came into vogue. The most recent contribution from the radio came from Emanuel.

Charles Pettibone is slated to appear at an exhibitors' meeting in North Carolina this month. Speaking of Mr. Pettibone, who is well known in the restoration to life and health of his young son, who experimented in the medicine chest a few weeks ago and got hold of him.

After the performance at the Strand the hayride started a noisy course up the Great White Way and headed for Zita Casanova in Central Park, where the party ate chicken and drank cider between dances. Borah Minavich, the world's champion harmonica virtuoso, was playing an engagement at the Strand, was among the guests. He added greatly to the pleasure of the occasion by obligingly doing his stuff, and the consensus of opinion seems to be that a good time was had by all.

Going to North Carolina.

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"Yes, we have no bananas," said the little girl who lives at my house, reading an advertisement aloud.

'THE SNOW BRIDE' SHOWN AT RIALTO

Alice Brady Does Good Work in Dramatic Scenes of Tale of the Frozen North.

"LEATHER PUSHERS" COMEDY

Choice Moments of Fun in This Little Tale of the Prize Ring.

By DOROTHY DAY.

"The Snow Bride," which is being presented this week at the Rialto, could have been the product of the motion picture studio of ten years ago, so far as the story line concerned—about ten years ago producers did not send their companies up into great open spaces of the Canadian wilds simply to get some effective snow scenes, and it must be said that there is a quantity of pretty scenery in this picture. There is also Alice Brady, who does some very interesting acting, particularly in the tense dramatic scenes. As for the story, it always has been good motion picture material. In fact, after seeing the first reel one could easily take a nap and know the rest of the story. But while Alice Brady is on the screen it is a wise thing to keep both eyes open, for you never know when she is going to perform a most effective little trick, which would be too bad to miss.

Not a Boring Picture.

Despite the time-worn story, the picture does not bore. The dishonest trapper's beautiful daughter is in love with the handsome sheriff. Another girl, described in a title as a "trapper's man," also has her eye on the same man. The girl's father shoots his Indian assistant and is discovered in the act by the wicked villain, who vows to keep the knowledge of the killing to himself if he can have the daughter for his bride. When daughter finds out that her father will be tried for murder unless she marries the man, she submits and the mournful wedding takes place.

She has a bottle of medicine which she has given to the sheriff when she "nursed him back to health" in the first reel, and the doctor tells her that if taken in a large quantity it is poisonous. She pours herself a generous dose, writes a letter to the sheriff and prepares to drink the potion when her newly-acquired husband, drunk and riled, reels up the stairs. Of course, he drinks the poison by mistake, but the girl is accused of murder, and it is the duty of the sheriff to lead her to the gallows. Her father wants to make a clean breast of the whole affair, but the girl will not permit it. The march to the gallows through a blinding snowstorm gives Miss Brady a chance to do some good acting, and she does it most opportunely. Her face, when she sees the gallows just ahead of her, is eloquent of torture and despair.

All's Well in the End.

The girl who is a "trapper's man" has stolen the letter which her girl had written to the sheriff, and which would have cleared her if produced, but it doesn't matter much, because in a week of time the father stands up on the platform of the gallows and tells the whole story. An avalanche descends upon him and he is mercifully killed. The people take the judgment of God. The villainous lady also feels that it is the proper motion to make a clean breast of the whole affair and admits that she has stolen the letter. Everything is fine then for the sheriff and the girl, although we thought she was a little on the gay when you consider that her father had just been killed by an avalanche.

Trifle material, but the sure, but it serves to amuse and succeeds fairly well.

One of the new "Leather Pushers" series entitled "The Widower's Mite" and featuring Reginald Denny is another comedy of the prize ring. There are a few really choice comedy moments in this little picture.

Elizabeth Bartonova, who is appearing at the Rialto for the first time in America, sings the aria "Jean d'Arc" and displays a powerful dramatic soprano voice.

BLANCHE RING.

Bushnell Cheney of New York and Madison, Ct., a graduate of Yale 1921, and son of Horace B. Cheney, member of the firm of Cheney Brothers, has financed and formed a theatrical company known as the Jitney Players, which will on July 4 commence a tour of the New England States in a Ford truck, carrying and playing on the first stage ever mounted on an automobile. Alice R. Keating, daughter of Francis Keating of Buffalo and wife of Mr. Cheney, and seven professional players, men and women, will accompany Mr. Cheney on the tour and play in a repertoire of six plays.

Tails will inaugurate a new movement in the American theatre, adapting to modern civilization the customs of the ancient troubadours, with modern lighting and transportation.

The first program will be given on July 4 at Madison, Ct. Tents will be carried by the caravan, which consists of two Ford trucks, one carrying a fully equipped modern stage, and the other carrying the passengers, the transportation outfit and the tent accommodations for the members of the troupe.

The Ford truck had a special stage designed for it by Mr. Cheney. The platform, the sides of which fall down, make a stage 16 feet broad and 14 feet deep. It is flexible, composed of plastic units. It is covered with side curtains of olive drab and scarlet, and inside curtains of blue. The tailboard, which serves to hold the sides in position while traveling, forms a flight of stairs leading down to the audience, and the back of the drivers seat is made of two flaps which also fold down and add to the depth of the stage.

The lighting system was designed by William Price.

Mr. Cheney, after graduating from Yale, studied drama there, and then became associated with the Theatre Guild. The other members of the troupe are well known professional players.

Mr. Cheney's play may be far-reaching in its effect, in again bringing to small communities the spoken drama which modern transportation costs and the development of the motion picture to a certain extent limited.

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CAPT. O'HAY, WAR HERO, TAMMANY SPELLBINDER

Actor, Orator and Soldier of Fortune Will Address Thomas A. Williams Club To-night—Delivers Flag Day Speech at Freeport.

By CHARLES C. FOSTER.

AS a Tammany spellbinder, firing straight oratorical shots in a preliminary political skirmish, Capt. Patrick Irving O'Hay, participant in seven wars and hero of Richard Harding Davis' "Soldiers of Fortune," will to-night appear as the star attraction at the meeting of the Thomas A. Williams Democratic Club of the Ninth Assembly district, 257 West Ninety-seventh street, of which Frederick E. Goldsmith, lawyer, is the president.

The untitled of the Thomas A. Williams Club, including their friends need have no misgiving as to the power of this unusual individual, who, by the way, at the Shriners' dinner last week in Washington appeared as the sole speaker, notwithstanding the presence of President Harding and General Pershing.

Captain O'Hay, leaving the stage to go to war, returning wounded and many times decorated, resumed his career as an actor, continuing until his charm as a speaker automatically withdrew him from the theatre to the platform.

Captain O'Hay was with General Frederick Funston in Cuba's insurrection. He was in the Spanish-American War, battled for the Boers, fought with the Serbs against Bulgaria and engaged in revolutions in South America before he enlisted in the World War.

It was in South America that he encountered Al Jennings, once a bandit in Oklahoma and the Southwest. It was there that he met the gifted O. Hearst, their friendship continuing until the death of the short story writer.

Captain O'Hay made a trip to the Arctic region on a sealing vessel that carried Jack London, the novelist. Wolf Larsen, captain of the craft, was London's inspiration for the story "The Sea Wolf."

Now Captain O'Hay steps into the light to war and into all his adventures. He hails from Ireland and was reared in the slums of London in which Patrick Henry exclaimed: "Give me liberty or give me death."

At Freeport, L. I., Thursday night, Captain O'Hay will deliver a Flag Day address, under the auspices of the Eklis.

The Whitcomb measure after they had observed the benefits already derived from young minds. In a few years 9,000 of the finest and brightest houses, trained to carelessness, were cut to 6,000. Compulsory education, it is felt, will awaken a greater spirit of watchfulness and bring the number lower.

"There were 18,000 fires of all character last year," said Mr. Spence. "Of this number perhaps 75 per cent. could be charged to carelessness due to avoidable causes. The children will be taught that these fires add to the cost of their living as the destruction of property means less revenue in taxes to the city which must be made up by increasing assessments of other property. When the fact is brought home to the parent that it is possible to prevent fire increases by preventing fires compulsory education will prove worth while."

Mr. Spence said the juvenile corps would be instituted in turning in an alarm, informed to the location of the box nearest their home, warned of the dangers of matches, rubbish, gasoline, kerosene, of smoking for gas, and of a lighted match and other causes that are responsible for fire. In addition a brochure of the Board of Fire Underwriters on fire prevention will be distributed.

PETER C. SPENCE, chief of the Bureau of Fire Prevention, announced yesterday that his department is preparing to conduct a series of public school authorities in carrying out the provisions of the Whitcomb bill, drafted by Mayor Hylan and approved by Governor Smith, under which school children will be taught the methods of fire prevention.

Chief Spence said that the local school authorities are organizing a course of study for the 650,000 pupils, who will constitute a great auxiliary to the Fire Department in protecting life and property from the consequences of the fire. Under the law the education of school children in fire prevention is compulsory.

The teaching staff will consist of fire inspectors, firemen, and other fire officials. The course of study will begin after the summer vacation. Through the children, whose success in the past has been marked, officials of the Fire Department and the school authorities hope to reduce the number of fires and the loss of property.

It is hoped that by impressing importance of fire prevention upon the children, the number of fires and the loss of property will be materially reduced. The children will be virtually be members of the Fire Department.

Insurance companies were also instrumental in securing enactment of the bill.

JITNEY TO CARRY SAVOY & BRENNAN DRAMA TO STICKS AT THE RIVERSIDE

By ROBERT SPEARE.

Bert Savoy and Jay Brennan are the bill-toppers at the Riverside this week, making their initial appearance at the Ninety-sixth street. On the strength of their presentation they will probably come back to the Riverside tomorrow night, unless musical comedy managers keep them out of the theatre as they have done for the last six years. It is such an act as Savoy & Brennan do that deserves headline honors for vaudeville audiences love to laugh, and Savoy & Brennan provoke as much mirth in a quarter of an hour as some shows afford in an entire night.

Savoy and Brennan are the extravagantly gowned and boisterous female, scandal monger, who made "You don't know the half of it," a stock phrase in American vaudeville. In line with her time honored custom this "lady" gabs incessantly about her flighty friends, Margie. According to her own statement, the imaginary Margie now insists upon getting into the next morning's first edition of the "Daily News" to see if she had to stand the last time. The cross-fire dialogue between Savoy and Brennan is a succession of funny lines, most especially so by the unusual handling. Brennan feeds the inevitable Savoy to perfection.

Donald Kerr and Ernie Weston exhibit their talents in a varied series of dance contributions, the most popular of which is "The Flip and the Flapper," in which they give a lifelike stepping impression of two youthful women in the dance palaces. It is received with much enthusiasm.

Charles Olecott presides at the piano, while Mary Ann sings sweet ditties and demonstrates her individual capabilities. Of course, Olecott unleashes his personality in some numbers of his own, and proves that a sense of humor is not the least of his attributes.

Frank Ellis is at his best in an odd song that runs "Ours is a Nice House Ours is," and it extends to several verses. His very personable partner, Miss Walsh, who dances gracefully in the hon-ton-to-T Egyptian manner.

Lynn Cowan is the starred member of the Ballet of the Cowan combination, "A Little Production." He plays the saxophone and sings in a positive, persuasive and untiring fashion, while Bill Burt thumps bananias. Estelle Davis lends her classic Titan beauty to the ensemble.

Harry J. Conley is once more seen in "The Ball of the Cowan combination," a very personable partner of the two. An electric effect showing the departure of the bride party is amusing.

Bert Hughes and his polo experts, and Bill Robinson, colored dancer, complete the bill.

MERRY BILL AT KEITH PALACE

Eddie Cantor Leads Fun With Songs and Stories—Flo Lewis Is Versatile.

ROGERS & ALLEN SCORE A HIT

Renee Robert and Giers-Dorf Symphonists Charm With Blend of Music and Dance.

By SAM M'KEE.

Eddie Cantor is the step-lively leader of a bill of dash and merriment at R. F. Keith's Palace Theatre this week.

The M. E. G. Lime Trio offer a pantomimic contortion novelty. One is supposed to be a piece of mechanism carried by the other two and started by winding. He is packed and hurled in a fashion seemingly beyond endurance by a living creature.

Larry Meehan and Gertrude Newman reveal a fine sense of humor and are vastly entertaining in "Broken Promises." After assuring the audience there will be no piano playing or blues, they burst into both to the keen enjoyment of the patrons.

Mr. Meehan is a remarkable eccentric dancer on the side and Miss Newman sings well.

Heleen Rogers and Leona Allen are vocalists of distinction. They are the type usually featured separately. In fact, they have. The combination demands commendation for their willingness to sacrifice individual stardom to the happy results of an artistic partnership.

Though their repertoire is strictly classical, unless "My Man" by Miss Allen is eliminated from this designation, the sinners with their youth, their magnetism, their ease, their surpassing musical skill make each number a popular success.

And Then They Walked.

Ethel Sinclair and Marie Gaspar are bright comedienne in a bright duologue by Paul Gerard Smith called "On the Long, Long Trail." This trail is not the one of sympathetic, sentimental memory. The girls had accepted invitations to ride in automobiles.

They meet on a road far from town, each having been ejected from the car driven by the young man extending the joy-riding invitation. The talk verges toward suggestion, yet the girls are dainty and demure enough to take off the cover.

Burns & Lynn in grotesque attire present an amusing routine of dances with incidental songs.

In a blending of music and dance, Renee Robert and the Giers-Dorf Symphonists have a diversion remarkable for its exquisite charm and its remarkable speed.

Miss Robert is a flash on her toes, goes through entire numbers without once leaving the tips and does it with wondrous grace. She has turned the dignified postings of the "Spring Dance" schools into a flash of dancing brilliancy.

FAVORS BOOKING ON PERCENTAGE

S. R. Kent Testifies Before Federal Commission Paramount Considers It Only Fair Way.

QUESTIONED ON CONTRACTS

Brooklyn Exhibitor Tells Tale of Woe When Theatre Invades His District.

S. R. Kent, general manager of distribution for Paramount, testified yesterday at the Federal Trade Commission investigation of the Famous Players-Lasky Company that his concern has always considered percentage booking as the one fair way of releasing pictures. In this way, he said, each company and each picture would fall to its natural level. Some such arrangement would be made, he hoped, but added that whenever Paramount Pictures were sold on that basis the company suffered. Mr. Kent explained that an exhibitor would rent an expensive production and then, because his own money was involved, get behind the film and push it for all it was worth. Under the percentage arrangement, on the other hand, when his money was not involved, let the picture do the work, with the result that he and the distributor made less, everything else being equal.

Questioned on Chain Contracts.

Mr. Kent was questioned at length by counsel for the commission on the physical distribution of pictures and accessories; and also about contracts with chains of important houses, which, the witness said, he handled himself. Testimony was taken minutely as to contracts with Loew, Inc., the Kunkin interests, the Blank, Jensen-vonHerberg and other theatre circuits throughout the country. The protection afforded them and the relation of other houses in the territories also playing Paramount pictures was inquired into.

The witness was asked about "The Covered Wagon," and explained that this special feature was being handled exclusively by J. J. McCarthy for the Famous Players-Lasky interests. In reply to a question, Mr. Kent said that he had read of the newly-created Erlanger-Shubert chain of film theatres and knew that "The Covered Wagon" would be used extensively as the first offering of the circuit, but said that the production would not appear in all of these theatres. Where better houses could be found in the same cities, the picture would be booked there and not to the Erlanger-Shubert.

Jerome Beatty, formerly with the publicity department of the Paramount organization, testified to a campaign started to cause public demand for Paramount pictures. He said that in some towns the exhibitor would say that Paramount pictures were not known by the people and, consequently, not drawing cards. His campaign was, first, to acquaint the people with Paramount features and then, through public demand, get the exhibitor to book this product.

Exhibitor Takes Stand.

John Manheim, owner of the Park Theatre in Brooklyn, when questioned by Robert Swaine, counsel for Paramount, said that he thought Goldwyn pictures artistically better than the Paramount offerings, but not so good at the box office. He added that he was not an exhibitor from the artistic standpoint. Mr. Manheim testified that he had been the Paramount first-run house for a number of years in his district of Brooklyn, but that last year a Loew house was opened near by and he was told by the Paramount sales force that he would have to take the second run.

The witness said that he was persuaded to take the second run because he had always advertised as a Paramount house, and did not like to change. He said, too, that he did not know to what an extent the Loew competition would hurt him. For the second-run pictures, Mr. Manheim declared, he had to pay as much as he had the year before for the first-run privilege, and for this year was offered the second-run at approximately a twenty-five per cent. increase.

Under examination by Mr. Swaine, the witness said that he was now booking wherever he could get product, but mostly small features offered in the independent market. "I get what the Loew house doesn't want," he explained, however, that the new theatre received as much protection from the other producing companies as it did from Famous Players-Lasky.

BERNHARDT SALE

Personal Effects of Great Tragedienne Go at Low Prices in Auction.

15 PAINTINGS ARE CRITICIZED

(By United News to The Morning Telegraph.)

PAIS, June 12. Pale ghosts of other days, memories of the flaming loves of the Divine Sarah rose to-day in parade before the cold, unimpassioned eyes of professional collectors who had gathered for the auction of the trinkets of the world's most famous actress.

Sarah Bernhardt, who had known all triumphs, who had been beloved of kings, courted by the great of two generations, and whose high spirit was undimmed in the face of death, died in poverty. To-day her effects were sold to pay her debts. Earning the biggest salary ever paid an actress, she had squandered it with the careless abandon that marked the loves, the hates, the ecstasies and extravagances of her life.

George Clairin, the painter, had lived here. Forty years ago he had lived with

CARROLL DEMANDS EQUITY SHOWDOWN

Producer of "Vanities of 1923" Asks Organization for Status in Hiring Actors.

REPLY IS EXPECTED TO-DAY

A. E. A. Officials Promise Answer to Demands on Position of Manager.

Earl Carroll, manager of the theatre bearing his name and president of the Vanities Producing Company, having in preparation the "Vanities of 1923," scheduled to open on the night of June 23, sought, late yesterday afternoon, through a communication addressed to the officials of the Actors' Equity Association, 115 West Forty-seventh street, to ascertain his status with that organization. The letter is as follows:

"It is reported in this morning's papers that Mr. Dulzell of your organization states that you would allow us to continue with our preparations of the production of 'Vanities of 1923' until we were more deeply involved financially and then on the eve of our premiere to employ certain unknown dramatic measures which would embarrass our opening and force us to close the theatre."

"We hesitate to accept this report, and in our quandary we ask an answer in writing from the Actors' Equity Association to the following question: 'If an independent manager is unable to engage a one hundred per cent. Equity cast will he be permitted to engage a one hundred per cent. non-equity cast without interference or prejudice?'"

Expect Answer To-day.

A reply will be made to-day, A. E. A. officials said last night. Mr. Dulzell denied having made the statement referred to in the opening paragraph of the letter. "It is merely a question of principle," said Mr. Dulzell to The Morning Telegraph. "There is no disposition to injure Mr. Carroll. I will now be in sympathy with Equity. We cannot understand what has brought about the change."

"This is a man-to-man proposition. We insist on 100 per cent. Equity in his shows. If he indicates that he wishes to employ affiliates of Equity we shall be willing to return on about the same terms. At Equity headquarters the officers admitted they found it difficult to catch the import of the question submitted by Mr. Carroll."

It was said that if Mr. Carroll or any one else could not make up a cast of 100 per cent. Equity the association would pledge itself to do this in one hour.

The chorus of twelve Equity men who withdrew from the show of 1923 appeared yesterday afternoon before the Equity Council and received compensation for two weeks. The men said they were willing to return on about the same terms if Mr. Carroll reached a decision to engage all Equity members.

Pickets Again on Duty.

Equity pickets were again on duty yesterday in the vicinity of the Earl Carroll Theatre. These were withdrawn Monday at the suggestion of the police, who said that inasmuch as a strike was not in progress the presence of pickets was not in keeping with the situation.

Equity made the explanation that the pickets were assigned there to inform members of the organization not to enter the theatre as a strike might ensue. On this basis the pickets were permitted to return.

HARD LUCK FOR O'CONNELL

Questioned His "Jail Time"—Another Warrant Found.

When Richard O'Connell reached Sing Sing with a commitment from County Judge Wiggins of Orange County for alleged grand larceny, he reckoned he was entitled to credit for ninety-six days of jail time, instead of sixty-seven credited him on the papers.

He complained and insisted upon prison officials starting an investigation. The investigation resulted in a forgotten warrant being discovered and lodged against him for his rearrest when his term expired.

Players Married by City Clerk.

Henry Delapierre White, Jr., an actor of East 162nd street, and Miss Margaret Torrey, an actress of West Eleventh street, were married by City Clerk Michael Cruise at the Municipal Building yesterday afternoon. According to the bride, Miss Torrey had been divorced from William Lyndell Haven of Havenstrite, in Cook County, Ill., in October, 1921.

NETS SMALL SUM

her on the magic shores of Belle Isle, by the blue Bay of Biscay. There he painted first of his finest pictures for her. For her, and for her eyes alone, he had inscribed each with tenderest words of love.

To-day collectors, antiquarians and speculators assailed in the bidding for the paintings. Arguing that the artist's love protestations detracted from their market value.

The death mask of Bernhardt's husband, Jacques Damala, caused a stir among the bidders, bringing only \$200. Sarah had been above the dead body of the "only man who ever truly loved me," she had said. "I recall his face the mask which she recalled his features after she had sent his body to Greece for burial."

Actress, artist and sculptress, she had carved the bust of her daughter, whom she had seen die. To-day it brought \$300.

In the dull quiet of the auction room those who had known and loved Sarah watched as the hammer fell, calling the bid on the tiny trinkets, the worthless diamonds and the faded lace that were the shadow of her glory.

And above the murmur of bids, behind the tables heaped with blouses, there saw her dark eyes burn again and heard the deep thrill of her voice that, wise with joys of many years, had told them: "La vie est comme une flamme, qui danse. (Life is like a dancing flame.)"

HELEN BOLTON.



Who Has Left for a Vacation in California.

ANOTHER OPERA BY LEHAR NEXT YEAR

Composer of "Merry Widow" Has a New One, "When the Birds Sing," to Be Heard Here.

SS. RESOLUTE SAILS "WET"

Fritz Wrede, Austrian actor-manager, who sailed yesterday on the Resolute, announces that he is going to arrange with Franz Lehar, composer of "The Merry Widow," for the presentation in New York next year of his new light opera, "When the Birds Sing." He is planning the presentation in Vienna of two light operas by Armand Weiser, leader of the Ritz-Carlton orchestra.

Wrede came to the United States to form an association here for the protection of the interests of foreign authors. He and M. Steininger, one of the foremost actors of Germany, conferred with Otto Kahn on the subject and asked him to serve as honorary president of the association. He offered them his cooperation, but declined the honor.

Claire Dux, soprano of the Chicago Opera Company, was another Resolute passenger. She will return in September for concert work; later she will appear in opera both with the Chicago company and the German Opera Company.

Symphony Director Sails.

On his annual pilgrimage to Europe in search of new scores, Frederick A. Stock, director of the Chicago Symphony Orchestra, also sailed on the Resolute. With him were his wife and daughter and his business manager, Frederick J. Weisels.

Bernard Beinecke, president of the Plaza Hotel, sailed with his wife. They are going to Carlsbad for the bath. The Resolute sails with an ample supply of liquor on board, not coming under the restrictions of the Volstead ruling because she brought her sealed supply in before the last sailing. The passengers went on board felicitating themselves that they would be able to quench their thirst soon.

The Resolute recently completed a five months' cruise around the world and this is her first trip since her return. She carried 232 first cabin passengers, 292 second and 93 third. The ship's band did not get an opportunity to give a parting salvo of melody because a special band sent to the pier by the New York Rifle Club beat them to the honors. The rifle club band was present to give "good-bye" to Henry Klees, a member of the club.

Raised Relief Fund Here.

Returning to Bavaria after four months in the United States, were Countess and Countess Hugo Lerchenfeld. He was formerly prime minister of Bavaria. The countess was formerly Ethel Wyman of New York City and Rye.

"We are simply carrying on what is known as the work of the Quakers," said the countess. "The Hoover Fund for the purpose of bringing relief to the undernourished children of Central Europe has been expended through the kindness of hundreds of Americans. We have gathered together sufficient funds to carry on the work for another year."

Lothar W. Faber, pencil manufacturer, engaged four statestons on the Resolute to take his family abroad for a tour of Europe to last three months. In the party were Mr. and Mrs. J. Whitney Baker and their two children, Ann and Helen, and Captain and Mrs. Brock Evans and their two children, Theodora and Peter. Mrs. Baker and Mrs. Putnam are daughters of Mr. Faber.

"How many pencils are you placing in America to-day?" the pencil king was asked.

Prodigal With Pencils.

He thought for a moment and said: "Well, America is most prodigal in its use of pencils. I should say about a million and a half gross a year. Europe takes one-half that amount, as the Europeans use a pencil as long as the fingers can grasp it."

"What is the yearly per capita use of pencils in the United States?"

"An average of nine to ten pencils," was the reply.

The Faber family will visit in Berlin, Austria and France. This is the first time I've taken along the whole family," said the manufacturer, "but the grandchildren mean so much to me I don't like to let them get out of my sight."

Belisario Porras, Jr., Consul General for the Republic of Panama in New York and son of the President of Panama, sailed on his wedding journey. The Consul General was married recently to Elida de la Fuadria, daughter of one of the oldest families of the Isthmus strip.

FALCONER OPPOSES N. Y. AS CONVENTION CITY

Republican Alderman, Voting Alone, Prevents Adoption of Resolution Approving Plan to Bring Here National Democratic Delegates in 1924.

By CHARLES C. FOSTER.

HAD it not been for the opposition of Bruce Falconer, Republican Alderman, a resolution introduced yesterday at the Board of Aldermen, approving the campaign to bring to New York in 1924 the National Democratic Convention, would have passed unanimously.

Since Mr. Falconer voted no, the Board, under the rules, could not take immediate action on the initial presentation of the resolution.

Alderman J. J. Keller, Republican, representing Flatbush, disagreed with Falconer, declaring that Democrats, as well as Republicans, should make an effort in behalf of the plan to bring the convention to New York.

Alderman Collins, vice chairman of the board, who introduced the resolution, said it was the duty of men of all parties to favor holding the convention here. He said he knew the Democrats would combine with the Republicans in a similar effort.

Falconer, feigning to be frightened by the Tammany influence dominating the convention, said:

"If we are to have several thousand more people coming to New York we ought to build more subways to enable them to move about."

"We could easily take care of a million extra people," answered Collins, "and you know it."

"Every convention here is a boost for New York," said Alderman Keller. "Politics is not to be considered. The only way to clear up misunderstandings concerning our city—and there are many—is to invite outsiders who have only a vague conception of New York and show them the wonders of the city."

GOVERNOR JOHN M. PARKER of Louisiana, who was one of his most intimate friends, introduced the resolution Thursday afternoon at 2 o'clock at the grave of Theodore Roosevelt at Oyster Bay, L. I., the ceremony being part of the day day observance of Glen Cove Lodge of Elks.

The visiting Governor, who is an Elk, will be accompanied from this city by former Ambassador to the United States, President Murray Hubert, who is past exalted ruler of New York Lodge of Elks, also Past Grand Exalted Ruler Joseph J. Hughes, Indianapolis, and Past Grand Exalted Ruler John P. Sullivan of New Orleans. After the exercises at the grave, the visitors will call on Mrs. Roosevelt at Sagamore Hill.

There will be a banquet at the home of the lodge of Elks. The visiting Governor, who is an Elk, will be accompanied from this city by former Ambassador to the United States, President Murray Hubert, who is past exalted ruler of New York Lodge of Elks, also Past Grand Exalted Ruler Joseph J. Hughes, Indianapolis, and Past Grand Exalted Ruler John P. Sullivan of New Orleans. After the exercises at the grave, the visitors will call on Mrs. Roosevelt at Sagamore Hill.

These exercises will be held in Great Hall of the College of the City of New York at 8 o'clock at night. It is anticipated that the attendance will be at least 4,000. The Stuyvesant High School Orchestra will play and there will be a chorus of 500 public school children.

Miss Amelia Bingham, the actress, will deliver the Elks' tribute to the flag. There will be a feature of the exercises illustrating the history and development of the Star Spangled Banner. There will be a liberty bell on the altar built from flowers contributed by the officers of the lodge.

Governor Parker will deliver an address. There will be an organ recital by Clayton Heermance, organist of New York City. The exercises will be the opening of the dome, during the swearing of allegiance to the flag and the bursting forth of hundreds of flags. General Hubert and staff and admiral Plunkett and staff will be present.

At a special meeting of the Sinking Fund Commission yesterday Peter J. Conner, General Manager of the New York City Water Supply, was given a five-year lease for the eight concessions in the Municipal Ferry Terminal, St. George, S. I., on the Hudson River. The lease stands at \$71,000 a year. That is the sum he bid at a recent auction held by Grover A. Whalen, Commissioner of Plant and Structures. A previous lease for the same period was held by John D. Antonopolis, for which he paid \$19,000 annually, and which he offered to renew at \$37,000.

The commission also adopted a resolution recommending that the Board of Estimate make corporate bonds for \$250,000 of City Hall yesterday. A diversified program entertained 3,000 men and women whose generous applause bespoke their appreciation.

Mayor John F. Hylan, who made a brief speech, praising Philip Berolzheimer, City Chamberlain, for his activities in fostering concerts throughout the city. The program began with a march, "Pomp and Circumstance," by Sir Edward Elgar, which was followed by Rossini's "William Tell" and then a cornet solo by General F. Bivono, who is attending the convention. The celebration will end with a dance and a reception at the Elks' club on South Oxford street.

THE appointment of Henry H. Curran as Immigration Commissioner at the Port of New York, succeeding Robert E. Tod, was at the instance of Charles D. Hill, a Democratic legislator, and Samuel S. Koenig, leader of the Republicans of New York City.

SENATOR BORAH, expressing the belief that the prohibition issue will dominate all others in the next national campaign, predicts the nomination of President Harding as the dry candidate. The Senator, who is a candidate for reelection, will stand by the Eighteenth Amendment.

COMMISSIONER ENRIGHT will deliver the flag day address to-morrow at 4:30 o'clock at Prospect Park, Brooklyn, for the Elks of that city. The Elks' band will also be in attendance. The celebration will end with a dance and a reception at the Elks' club on South Oxford street.

STANDARDIZATION OF DANCE ASKED

National Institute Will Condemn Freakish Steps at Convention Here on July 9

HOW CAN THEY DO THAT?

The National Institute of Social Dancing, with headquarters at 801 Madison avenue, announces it is going to "take up standardization of dances" at the convention to be held here during the week beginning July 9. The expression "take up" was probably selected with care. At any rate, it is a safe and conservative term. In spite of the fact that more than 1,000 dancing teachers are expected to attend the convention, there is considerable question whether they can standardize dancing. That is a problem which lays over into the field of anatomy and psychology, not to mention heredity, and relativity, or the relative height of the dancers.

Dancing instructors will be present from all parts of the world. Doubtless they will be needed. Also that week has been designated as dance week. Anyway, what the instructors are struggling for more than anything else is "the elimination of freakish individual revisions of popular steps." Note carefully that the revisions are what they propose to eliminate and not freakish individuals.

Arthur Murray, director of the institute, is also uneasy about what the tomb of Tutankhamen may let loose upon the dance floor. He said:

"The anticipated opening of the tomb of King Tutankhamen in the Fall will mean a great influx of Egyptian dances

to the ballroom. It will be the purpose of the convention to keep these steps in check, accepting only those suitable for ballroom purposes. The convention also proposes to limit all such individual revisions that appear in social dancing. More sanely standardized dancing and less steps will be the rule from now on."

The co-operation of the public is invited. Mr. Murray said: "Suggestions for improved dancing will be welcomed from individuals and professional critics before the opening of the convention."

HORNSBY'S WIFE SUES HIM FOR DIVORCE

(Special Dispatch to The Morning Telegraph.)

ST. LOUIS, June 12. Charged with general indignities, Cardinals Hornsby, star infielder of the Cardinals, was sued yesterday for divorce by his wife, Sarah E. Hornsby.

Filing of the suit follows the announcement of Hornsby's name as the author of a love letter to Mrs. Jeannette Pennington Hine, a saleswoman, whose husband named the Cardinals second baseman in an action to have a divorce granted his wife set aside. Hine, an automobile salesman, charged that his wife obtained the divorce by fraud.

Mrs. Hornsby specifically charged her husband with being quarrelsome and in different. She requested a lump sum of \$10,000 and custody of their 24-year-old son, Roger, Jr.

MADGE KENNEDY.



She Will Be Seen in Musical Comedy at the Apollo in the Early Fall.

TILLER GIRLS TROD ORPHEUM STAGE

English Dancers Appear in Act With Harland Dixon and Marie Callahan.

ELIZABETH BRICE APPEARS

By ROBERT SPEARE.

The art of old John Tiller is the chief item of interest at the Orpheum. For those who do not know John Tiller, it may be explained that he is England's foremost dancing master, skilled in the intricacies of unified stepping.

In this particular field he seems to have no equal in this or any other country, and for that reason such sagacious producers as Florenz Ziegfeld and Charles B. Dillingham import whole troupes of Tiller girls, each combination consisting of sixteen fair British maids.

It is one of these Dillingham groups—the Sunshine Girls from "Good Morning, Dearie"—that is treading the boards at the Orpheum. They are seen in association with Harland Dixon and Marie Callahan, who appear in the same play.

Dixon does most of his numbers with little Miss Callahan, and she takes as much "abuse" in the two-day presentation as she did at the Globe. They are matchless dance mates.

The Sunshine misses alternate with their associates in ensemble arrangements in which thirty-two dainty feet trip about with the precision of two. Their performance is little short of inspiring.

Elizabeth Brice exercises her ingratiating personality in a song program for which she receives the mastery aid of Leo Minton at the piano. Her contributions have brought lyrics and swinging tempo.

Fortunello & Cirillino, a man and a boy, are seen in a lively gymnastic pantomime. They make up as "Happy Hologans."

Moran & Mack, blackface comedians, are perfect likenesses of Southern darlings in their drawl and other mannerisms.

Bob Alright in songs with trimmings. Mabel Burke, another vocalist, and Splendid & Partner, gymnasts, are other items of interest.

MUSICIANS GROUP RE-ELECTS FISCHER

Association Returns Old Officers to Places, With Sam Fox New Vice President.

It was a busy day for the Musicians' Association in the Hotel Astor yesterday with the business of electing officers on hand and outlining policies for the coming year. Delegates from various parts of the country met in the north ballroom at 10 o'clock, where the election ticket was outlined and reports were read concerning the committees working during the last year. The Chicago convention having preceded the New York meeting by a week, nothing of a sensational character has been developed so far at the Astor gathering, which convenes again to-day.

The afternoon session was devoted chiefly to the election of officers. George Fischer, being again installed as president, Sam Fox as vice president, E. T. Paull, secretary, and Harold Flammer, treasurer. All the above officers were re-elected with the exception of Sam Fox, who fills the position of vice president for the first time.

In the evening a banquet was given, at which Carl Engle of the Library of Congress and Carl Weist were the speakers.

SCULPTRESS SUES FOR FALL

Landlord Asked \$25,000 for Injuries From Snow-Covered Stoop.

Suit for \$25,000 damages was started yesterday by Angelica Schuyler Church, sculptress, who long resided at 53 and 55 East 60th street, against Frederick W. Burke, her landlord.

She alleges that on January 15th, last, when ice and snow covered the stoop in front of the apartment house, she was caused to fall and received a dislocation of the left hip, stoma of the right eyelid, cerebral concussion and other injuries which have resulted in continuous pain, inconvenience and humiliation; and have caused her to discontinue her work "in the line of sculpture," indefinitely.

P. M. A. POSTPONES ACTION ON TICKET AGENCY PLAN

The Producing Managers' Association will meet next Tuesday afternoon to decide upon the proposed general ticket agency. The meeting was scheduled for yesterday afternoon, but was postponed for lack of a quorum.

BOY DRIVER KILLS WIDOW.

70-Year-Old Woman Run Down by Youthful Motorist.

An automobile accident in Chappaqua resulted in the death of Mrs. Mary Jones, 70, a widow. The mishap occurred last Monday night.

While crossing Kings Highway she was knocked down and run over by an automobile operated by 16-year-old Ross Turner, son of Albert Turner, wealthy real estate owner of Chappaqua. A technical charge of homicide was lodged against the boy and he was paroled in the custody of his father by Corcoran.

BROADWAY HAS FUN CARNIVAL

Charlie Chaplin, Harold Lloyd, Mack Sennett, Mabel Normand Are Among Film Stars.

HARRY HOLMAN LEADS ACTS

Jim and Betty Morgan Appear With Band—Joseph K. Watson Sings of Ireland.

By SAM M'KEE.

"Komedie Carnival" is the way the combination entertainment at B. S. Moss's Broadway is billed this week. The performance thoroughly justifies the description.

The fun on the screen is supplied by Charlie Chaplin, Harold Lloyd, Mack Sennett, Mabel Normand, Louise Fazenda, Mack Swain, Chester Conklin and a numerous host of associate merry-makers.

The vaudeville is started with a swing by the Canton Trio. The two Chinese women specialize in hanging by their flowing locks from the flying trapeze. Elsie White joyously sings syncopated favorites.

The Diamonds are a sprightly family. In their singing and dancing Papa and Mama Diamond are joined by their two boys, aged approximately twelve and fourteen. The Diamonds are acclaimed with enthusiasm. The droll and rotund Harry Holman leads the humor of the program with his own dramatic comedy, "Hard Baked Hamlet."

Actually this hard-boiled attitude is only a pose, assumed by a kindly business man. His purpose is to conceal from others his grief at the loss of his boy in the war and his inability to locate the son's widow.

she Was Rich in Office.

Too proud to give the impression that she might have married for any other motive than love, she is concealing her identity in his employ as a stenographer. The hard-boiled done counts pretense to the winds on learning the truth.

Mr. Holman has the none too usual knack of combining laughter with tears. He doesn't dwell on the tears. He is an adept in making a sudden switch from sorrow.

Murray & Allen refer to themselves as dispensers of ancient comedy. This, too, is different. The ancient applies solely to their Egyptian garb. They are as up-to-date couple in kidding, songs and dances.

Jim and Betty Morgan now have a fine band with them. The music is excellent and Jim is a dandy leader, playing the violin for the majority of numbers. Besides the show by the band, a musician, by exhibiting skill at the tinkling piano and the wailing clarinet.

Betty steps forward cheerily at intervals to sing songs by the band. She sings of "Harmony," of the haunting appeal of "Boon-De-De-Dum" and the call from "Panorama Bay."

Among the selections by the band, always conducted by violin, piano or clarinet playing, Jim, "The World Is Waiting for Sunrise," "Piano Rag" and "Clarinet Rag."

COHEN TO REVEAL EXHIBITOR WRONGS

President of Theatre Owners Introduces Letters in F. P. Lasky Trust Hearing.

ARE REPORTS OF COMMITTEE

Correspondence Covers Details of Alleged Grievances of Film Men Against Zukor Organization.

Letters in connection with a committee which was appointed to confer on grievances against the Famous Players-Lasky Corporation were introduced yesterday before Examiner E. C. Alvord of the Federal Trade Commission in the Engineering Society's Building, 29 East Thirty-ninth street, in proceedings to determine whether the Famous Players-Lasky Corporation, six affiliated companies and six individuals, constitute a motion picture trust.

The letters were introduced by Sydney S. Cohen, president of the Motion Picture Theatre Owners of America, for whom a duces tecum subpoena was issued at the request of Martin Fanning, counsel for the commission. They dealt in part with the appointment of a committee of the Famous Players-Lasky Corporation and the Owners' Association to consider grievances of theatre owners against the company and passed between Adolph Zukor, president of Famous Players, and Mr. Cohen.

The correspondence and other documents submitted by Mr. Cohen were merely marked for identification and have not yet been formally offered by the government. Mr. Cohen has been recalled for to-morrow at 11.30 A. M. when he will submit the stenographic report of the activities of the Motion Picture Theatre Owners of America at Minneapolis, Cleveland and Washington conventions.

S. R. Kent, general sales manager of Famous Players, was recalled on witness, and he explained from a chart the distribution of pictures in their block system in cities on the B. F. Keith Circuit.

WHELOCK DIDN'T RECOGNIZE NIECE

Mrs. Dedeker Testifies Turfman Appeared Very Irrational on Visit to Her.

GIRL TELLS ACTIONS IN OFFICE

At the resumption of the trial of the contest over the will of George A. Wheelock, one-time prominent bookmaker and president of the Metropolitan Turf Association, before Judge John F. O'Brien and a jury, yesterday, two principal witnesses to the contestants, William Addison Wheelock, of 933 Fifth avenue, and Alice Loring, of 1110 Lexington City, Ill., brother and sister of deceased, where Wheelock's niece, Mrs. Georgiana Dedeker of Indianapolis, Ind., and Alice Alice Loring, of Woodlawn Heights, the Bronx.

Mrs. Dedeker testified to a visit she made to this city the latter part of December 1921, when she stopped with her husband at the Pennsylvania hotel and received a visit one evening from her uncle, George Wheelock and his wife, Thalia A. Wheelock. The witness said before her marriage she had traveled several times in Europe and "around the world" with her uncle George, who was very fond of her. When she met him at the Pennsylvania hotel, she and he threw her arms around him, but he brushed her aside, and did not seem to recognize her. She said she was shocked at the change in his appearance and his seeming inability to converse. She said when she asked him a question the only reply he made was "What's that?"

The other witness, Mrs. Loring, testified that for several years she was in the employ of Brett & Goode, the real estate concern that looked after Wheelock's properties, and that she returned to visit their office several times each week.

Mrs. Fish said she made out the income tax report of Wheelock for two or three years, and that on March 14, 1922, on this occasion, she saw Wheelock submitted to her a mass of data and figures that had no sense to her and remained in the office from 3 o'clock in the afternoon until 6 o'clock. She said she telephoned to Mrs. Wheelock, who asked her to put Wheelock in a taxi and send him home. The witness said she attempted to comply with this request, but on the sidewalk Wheelock eluded her in the crowd at Forty-third street and Broadway and disappeared.

Mrs. Fish said that while in the real estate office Wheelock spent the time scribbling on pieces of paper and muttering to himself. She said that on this occasion and for some time previous Wheelock's actions and appearance impressed her as irrational. The witness testified to this conclusion on cross-examination.

HAS 57-YEAR-OLD CO-ED.

Penn State College Gives Degree to a Grandmother.

(By United News to The Morning Telegraph.)

STATE COLLEGE, Pa., June 12.—A 57-year-old co-ed, grandmother of twelve children, graduated with a B. A. degree from Pennsylvania State College today.

She is Mrs. Sarah Shoemaker Farley, who fell ill, after thirty-four years, her ambition to complete a college course in scientific agriculture. When she was 23 her husband died, leaving her with four children. Her three sons have graduated from Penn, and her daughter is at Swarthmore.

While Mrs. Farley was a freshman co-ed, her youngest son was a senior in the horticulture department. She specialized in botany.

INCREASE M'ANUS RAIL.

Security's Change From Cash to Real Estate Necessitates Raise.

Edward J. McManus, under indictment for bribery and embezzlement in connection with the alleged attempt to bribe Howard S. Beldman, one of the jurors in the last Pullman case, was arraigned before Judge Morris Keogh in General Sessions yesterday and his bail of \$15,000 was increased to \$20,000. This is more an apparent than a real increase, however, since he formerly had cash bail advanced with the City Chamberlain and, according to substitute real estate bonds, had to make the amount \$5,000 more.

THEATRE OWNERS' SPLIT CAUSES COHEN TO ACT

M. P. T. O. A. Head Seeks Conference With Michigan Exhibitors as North Carolina Withdraws.

TILLEY GUEST AT LUNCHEON

Local Film Men Leave for Syracuse Monday—Vignola to Direct Marion Davies Again.

By LOUELLA O. PARSONS.

SYDNEY S. COHEN has sent a telegram to the Michigan Motion Picture Theatre Owners asking that he and the board of directors of the national organization be given a chance to have a hearing in Michigan before their relations terminate in the manner suggested by the telegram received from the Michigan Exhibitors' Association.

In making this plea Mr. Cohen said, in part:

"I regret that the cordial and helpful relationship which existed between the Motion Picture Theatre Owners of America and the Michigan Theatre Owners for three years should terminate so abruptly. There must be considerable merit associated with such a union of forces covering such a long period and meeting so successfully so many varying situations, and I believe that the interests of the theatre owners will be placed in real jeopardy through the severance of these helpful relations. With a view to conserving this welfare, I request that your board of directors call a special meeting of the M. P. T. O. of Michigan the latter part of the week and give myself and other national officers a hearing in this matter so that we can at least endeavor to reconcile our differences in a calm, deliberate way and then come to such conclusions as the situation warrants. Kindly wire reply."

Michigan, represented by W. S. McLaughlin, James C. Ritter, Fred De Lodder, H. T. Hill, Phil Gleichman and John Nibbel, all members of the executive committee of the Michigan Motion Picture Theatre Owners, sent the following reply to Mr. Cohen:

"After considering your request that special meeting be called, feel that this is matter we cannot decide as individuals but should be considered by board of directors as a unit to whom we believe your communication should have been directed. Next meeting of board will be held in two weeks, at which time your request will be given careful consideration and will be advised accordingly."

North Carolina Withdraws.

Colonel H. B. Varner of North Carolina, secretary of the Motion Picture Theatre Owners of that State, is, according to word received from North Carolina, one of the heads of State organizations to register a determination to leave the national organization. He has written Sydney S. Cohen to that effect. Mr. Cohen said yesterday he had no comment on Colonel Varner's letter. But he mentioned the fact that he had received a telegram from Glen Harper of Southern California, stating that the Chicago delegation had pledged their support to the author, who wrote "Knighthood." Luntz, Reed is doing the scenario, and Joseph Urban is in charge of the settings.

Three Ages' Gets Reception.

"Three Ages" is being well received abroad. According to a cable received at the Joseph Schenck offices it will be shown privately to President Miller and on June 28 at his home in France, where he will entertain a party. Lloyd George will see it June 18 at a special showing. Lloyd George's interest has to do with Margaret Leahy, who plays the leading feminine role opposite Buster Keaton, and who was chosen as England's prettiest girl when the Talmadges were in search of screen material.

Preferred Picture for Celebration.

When S. L. Rothafel celebrates his third anniversary at the Capitol next week he will have as his chief attraction "The Daughters of the Itch," directed by Louis Gasnier from the novel by Edward Salts. Oga Printzau made the adaptation, and the cast includes Gaston Glass, Ethel Shannon, Ruth Clifford, Trudy Schuttuck, Josef Swickard and Viola Vale.

C. Gardner Sullivan Returns.

After spending several weeks in the East, C. Gardner Sullivan has returned to the Coast. He will stop en route to California in Chicago and other cities on business connected with the Joseph Schenck concern.

Her Condition Unchanged.

The condition of Mrs. Charles O'Reilly, the wife of Charles O'Reilly, president of the Theatre Owners' Chamber of Commerce, who is critically ill, was unchanged yesterday. Mr. O'Reilly did not leave her bedside at Roosevelt Hospital to come to his office all day.

A Line or Two.

We happened to meet E. Mason Hopper on the street yesterday. He is here to direct Cosmopolitan pictures and it was the first time we had seen him since the old Kasany days nine years ago. He hasn't changed a bit. Most have discovered Ponce de Leon's secret of youth.

"PEEK IN NIGHTS" TO OPEN DOORS TO-NIGHT

Miniature "Passing Show," Staged by Leeming, Feature of Newest Broadway Cabaret.

A Winter Garden revue in miniature staged by Artie Leeming, who formerly directed the Winter Garden shows, will serve to introduce a new rendezvous of the elite, Peek-In-Nights, to Broadway, when the dining-dancing resort throws open its doors Thursday night at Broadway and Forty-eighth street. Leeming has selected a large chorus of beauties for his revue of the style and standard of the Winter Garden types.

Besides directing the revue, Leeming will act as ballet of the evening, introducing each of the eighteen features. Jean Tyne, ballad singer, will be a featured member of the cast, with Carney Carr and June Carter, who will serve as hosts of the evening. Music for the revue and dancing will be supplied by the Diety Moore Orchestra.



ETHEL SHANNON. She will be seen at the Capitol next week in "Rich Man's Daughter," a preferred picture.

be printed and which at the same time is non-inflammable, reduced initial cost, reduced operating cost and durability of the film. It is the only apparatus which may be stopped in the showing. This adds to its value for educational purposes, as it gives a lecturer an opportunity to comment on interesting features and then continue with the picture. At the demonstration yesterday the machine and film apparently lived up to the advantages claimed for it.

"Volanda" to Be Starred in July.

"Volanda," Marion Davies' next motion picture, will be started in July with Robert Vignola at the directorial helm. Vignola, who only recently returned from a six months' trip around the world, is the director responsible for "When Knighthood Was in Flower," the finest thing Miss Davies has ever done for the screen, and one of the best pictures made last year. "Volanda" is by Charles Major, the author, who wrote "Knighthood." Luntz, Reed is doing the scenario, and Joseph Urban is in charge of the settings.

HERE AND THERE

By ASHBY DEERING.

We have no patience whatever either with those persons or those newspapers that bewail the annexation of Coney Island and the annexation of an error of responsibility at this resort within the corporate limits of New York City.

One newspaper said not long ago: "We don't want Coney Island to be like Atlantic City," while another spoke sadly of the passing glories of the old Coney Island as the playground of the poor.

In all conscience there is anything incompatible in a decent Coney Island as a playground for people who wear decent clothes and spend their spare time in wholesome surroundings.

The new and beautiful boardwalk extending for three miles along the ocean front is just the beginning of a new Coney Island that all America will be proud of. There was a time, and not very long ago, when Coney Island was regarded by decent folk as more or less of a slumming tour. The island was infested by the riff-raff of the city, who used it as a rendezvous to misbehave and to prey on the unsuspecting. Short-change waiters dirty beer sellers, white slavers and dice keepers swarmed there as their happy hunting ground.

What has been accomplished thus far in the demolition of hotels that were once hotels, the erection of new buildings that were unsafe as well as unsanitary should have been begun many years ago.

If the administration of Mayor Hylan never achieves anything else, its benign and constructive work at Coney Island will be to its everlasting credit.

M. K. T. asks, "What is an ingenu?" Evidently the ordinary theatre meaning of the word is satisfactory: "the representation of a person or a dramatic character; also an actress who fills such a role."

Let us see if there is not a better though somewhat longer definition. If the questioner will take the trouble to study a certain criticism by Nym Crinkle, written more than twenty years ago for one of the great New York papers, he will probably find the answer. The excerpt is taken from Crinkle's review of a performance by Mrs. Potter in "Lovers' Progress," a famous Drury Lane production:

"Mrs. Potter is always interesting, even when she is inadequate. A pretty woman cannot help being and I suppose the greatest tyrant and the greatest charm are to be seen in a pretty woman, whether she is making baby clothes or making faces."

"It was to accommodate people who are not historic that the word ingenu was invented."

"Certainly there are some measurements by which we can tell if a woman can act. I don't think there are any by which we can determine her beauty. Every woman that ever lived is a beauty to somebody."

"But here and there I have seen women who are not actresses to anybody. I have seen people call Clara Morris beautiful. But I never heard anybody say that Mrs. Potter was an actress. When you talk about Lantry they dodge the question. Lantry once said to me, 'You brute, I know I can't act; but you needn't run around telling everybody of it.'"

"How are you going to help liking a woman after that? She was an ingenu."

Nym Crinkle's proper name was Andrew Crumpler Wheeler. He was an American journalist, critic and novelist, born in New York, June 4, 1832, and died in 1908. Mr. Wheeler's fame rests chiefly upon his work as a dramatic critic. For many years he was regarded as the leader among critical writers for the New York press. He was engaged on the New York Times as a dramatic critic, and the Milwaukee Sentinel.

NO EVIDENCE PRODUCED TO SHOW MARRIED LIFE WITH MARONE WAS LEGAL.

QUESTION MUST BE DECIDED

Will Contest to Be Dropped If Jury Calls Northampton Union Illegal.

(By United News to The Morning Telegraph.)

DUBLIN, June 13. Does the fact that two persons have lived as "man and wife" constitute a marriage in the eyes of the law?

he question follows the unique situation that has arisen in the Croker will case here.

Today more witnesses declared that Bula Croker lived as wife with Guy Marone at Northampton, Mass., before her marriage with Richard Croker, Tammany chieftain. No evidence has been produced showing that a marriage ceremony was entered into.

The Lord Chief Justice of the Dublin Circuit declared that he had never heard of any case where "presumption of marriage" had been granted when two persons had lived together and when one repudiated all knowledge of a marriage and the other party had been produced.

He will submit to the jury the question of whether, under such circumstances, Bula Croker was the lawful wife of Guy Marone when she married Croker.

If the question is answered negatively there will be no further necessity for discussion of the case. If it is answered affirmatively it will be necessary for the jury to consider three questions:

1. Did Bula, when she married Croker, know she was Marone's lawful wife?

2. If so, did she fraudulently conceal this knowledge?

3. Did Croker execute his will of October 12, 1910, under the belief that Bula was his lawful wife?

To-day Mrs. Adair, of Northampton, Mass., testified she was the next door neighbor when Bula lived as "Mrs. Marone" with Margaret McDermott, of Monkton, N. B., testified that in 1913 she employed Marone and knew Bula as his wife. In 1920, she said, she had seen Bula with Boss Croker at Saratoga Springs, N. Y.

Attorney Campbell of Boston pointed out that it would be necessary to search the records in Massachusetts in order to find registration of a marriage. Sergeant Hanna, however, contended that the prosecution had produced no evidence that Bula had ever been married to Marone.

In her statement identifying Bula as Mrs. Marone, Mrs. Adair said that Bula had once brought her "tallow husband" to her house to cut out a dress.

FLAG DAY SOLOIST.

Carmina Ponselle, who will sing tonight at concert in celebration of Flag Day, under auspices of the Sons of the Revolution, in Central Park.

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OPENING UP-STATE FIGHT; Hylan Flays Machold

Before Conference of Mayors at Buffalo, Executive of Greater City, Defending Transit Program, Assails Speaker and Five Republican Assemblymen.

By CHARLES C. FOSTER.

FULFILLING his promise that he would invade the State in his fight for relief in subway conditions in the greater city, Mayor Hylan, speaking yesterday before the New York State Conference of Mayors at Buffalo, let loose with both barrels. H. Edmund Machold, Republican Speaker of New York's Assembly, and choice of his party leaders for the gubernatorial nomination, receiving the double charge.

Mayor Hylan, charging that Machold, hailing from the northern part of the State, where he is an influential factor in the Northern Utilities Company and the Northern New York Trust Company, was responsible, along with five New York City Assemblymen, for the defeat of the bill providing for the restoration of the direct primary law, also the Walker-Donohue bill, providing for subway construction and municipal operation, also for the purchase of and operation of buses on the street of New York City in conjunction with the subways on a five-cent fare basis.

"We must now wait for another Legislature to grant us this power," said the Mayor. "In the meantime, I intend to see to it that the people of the State of New York, as well as the city, are fully apprised of the misconduct of these traction-public utility controlled Republican Assemblymen, including Speaker Machold."

At a five Republican Assemblymen from the city of New York, Clayton, Jesse, Kaufman, Steinberg and Ullman, who voted against the Walker-Donohue bill, could have enacted the city transit bill. They refused to do so. They made much ado about being untrammelled in their right and freedom to cast their vote. As a matter of fact, they had nothing to do with the bill. They were given their orders by Sam Koenig, and Koenig and Machold are closely affiliated.

"I would not be surprised if, as a reward for his saving the transit situation for the transit corporations of the city, Machold would be the traction candidate for the gubernatorial nomination, because the traction ring always takes care of those who serve it in the Legislature."

The Republicans will counter with the claim that they alone saved the situation. It appears that the Republicans will ignore the figure issue in Assembly fights and the candidates in "wet" districts "run loose," likewise in the "dry" districts.

It is admitted that women will take a more active part in New York State politics this Fall than heretofore.

EDWARD C. CURLEY, the Alderman, who hops up every year or so to make an ordinance to prohibit one-man cars, has reached the conclusion that he is wasting time on the effort. In referring his measure to the Committee on "Toughness," Mr. Curley realizes that it is beyond resurrection.

THE Consolidated Gas Company of New York yesterday through Shearman & Sterling, attorneys, appeared before Supreme Court Justice Isidor Wassercroft in support of its petition for a writ of mandamus compelling Comptroller Charles L. Craig to pay it \$241,482 for property taken over by the city in 1917.

According to the petitioners' attorneys, payment is required by law to be made within two months after the approval of an award by commissioners, and the award stated was approved over seven months ago.

The Comptroller, they aver, has failed to make payment, although due demand has been made. Justice Wassercroft set the motion for hearing next Wednesday. The property is bounded by East Fifteenth and East Sixteenth streets, Avenue D and C. Tompkins street and the East River pier head.

AT the conference of the Republican State Executive Committee, opening today the board of directors of the Anti-Saloon League will call to the attention of the Republican leaders that every candidate for the Assembly next Fall is to be interrogated as to their attitude as to the direct primary.

A statement issued by the directors of the league says, in part:

"The primary was repealed by the wet Republican bosses for two purposes. First, to rob the newly enfranchised women voters of their proper influence in the determination of party nominations and policies; second, to make it possible to defeat the prohibition enforcement sentiment of the large majority of the membership of the Republican party, which in the Republican strongholds up-State is overwhelmingly for the dry law."

THE Anti-Saloon League, through Superintendent W. H. Anderson, denying that it has authorized a list of satisfactory Republican candidates for Governor, says all that is wanted is a candidate "not nominated for the obvious purpose of being defeated by a 'wet' Democrat." The league, wishing to know, "Why will this fine old party be so easily duped?"

"When the wet minority of the Republican party demands a 'wet' candidate the machine leaders get busy and try to compel. When the dry majority of the Republican party makes known that it is tired of being misinterpreted, that is hotly denounced as 'intimidation,' 'blacklisting' and utterly improper. The 'drys' are getting wise politically as well as getting hot morally."

parties to be made by both Assembly districts in center in the conference committee appointed June 1 to represent the Board of Estimate. The Commission states that it will welcome co-operation.

BEFORE the conference yesterday at Buffalo Dr. F. B. Gilbert, Deputy State Commissioner of Education, challenged politicians who seek to exercise influence over schools. He attacked old control of finances.

THE battle to be made by both parties this Fall in center in the Assembly districts with the belief growing that the electorate will win a majority in the Assembly.

To realize this expectation it will be necessary to elect four up-State Assemblymen in addition to electing from the greater city a united democratic delegation. In the Assembly in the recent session there were sixty-two Democrats and eighty-one Republicans.

When the battle begins the people will be told that the Assembly prevented the adoption of Governor Smith's reformatory plan of the State government.

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'BUD' FISHER SUES GUS HILL CONCERN

Cartoonist Wants Back Royalties on Musical Comedy Version of "Mutt and Jeff."

DEFENDANT ASKS \$750,000

Producer Declares That Amount Is Due Him for Share in Plaintiff's Film Output.

"Bud" Fisher, the cartoonist—Harry C. Fisher, according to court record—was on the witness stand before Supreme Court Justice John M. Tierney yesterday as plaintiff in an accounting suit against the Gus Hill theatrical interests. The originator of "Mutt and Jeff" wants to know what amount of money may be due him on Hill's musical comedies based upon the paper-strip adventures of the comical duo. Hill, on the other hand, is counterclaiming for \$750,000, alleging he is entitled to that much as his share of royalties on Fisher's motion picture productions.

According to Fisher he never had any agreement with Hill as to motion picture rights, and alleges Hill invalidated their contract for stage productions by failure to pay any royalties since his last payment of \$10,000 on September 20, 1919. The cartoonist says that "Mutt and Jeff" are still circulating in musical comedy and that since Hill started the two going the rounds in 1919 he had had as high as seven comedies featuring them on the road during the same season.

30 DAYS IN JAIL, REST FROM MOTHER-IN-LAW

Steve Chooses Cell for Blacking Eyes After "Four Years in Hell."

Steve Hodechuk and his wife lived happily on East Twelfth street from the day they were married until Mrs. Steve's mother, Mrs. Elizabeth Horbuck, came to live with them four years ago.

Yesterday morning Steve's mother-in-law, wearing two very black eyes, and Steve, who is a restaurant keeper, stood before Magistrate Max S. Levine in Essex Market Court and told how things had gone in the East Twelfth street home since then.

"She," said Steve, indicating Mrs. Horbuck, "had made home a hell for me ever since she came. You'd think it was her wife and her four children I've been taking care of instead of mine."

Mrs. Horbuck's black eyes were all the testimony needed as to why she had charged Steve with disorderly conduct.

"Can't you make it up between yourselves?" asked the Magistrate.

"No," said Steve. I'd rather go to jail."

"You are two respectable looking people. I don't want to have to send you away, Steve," said the Magistrate.

Steve remained firm.

"But all I can do under the circumstances is sentence you to thirty days in the workhouse," continued the Magistrate after a pause.

Steve smiled all over. "Thirty days," he said. "A thirty-day rest; a thirty-day vacation after four years of hell. I need it."

Patrolman George Roberts of the Fifth street station testified that he had heard the argument between Steve and his mother-in-law last night and had run to Steve's house, thinking a riot was in progress there.

Steve marched off to a cell triumphantly.

100 P. C. OR NONE, SAYS EQUITY TO CARROLL

Actors' Association Insists There Will Be No Let-down in Situation.

Pickets representing the Actors' Equity Association hovered close to the Earl Carroll Theatre yesterday, occasionally warning its members that "trouble" existed in the neighborhood, due to Manager Earl Carroll's refusal to make 100 per cent, Equity the cast of "Vanities of 1923," in rehearsal for presentation June 25.

No answer came from Paul Dulzell, assistant executive secretary of Equity, to Manager Carroll's questions, submitted Tuesday. Carroll waited for four days then gave it up.

GREATEST AMUSEMENT AND DRAMATIC PUBLICATION IN THE WORLD

The Morning Telegraph

RACING FINANCE THEATRICALS BOXING, POLITICS MOTION PICTURES GENERAL SPORTS

Vol. 101. No. 166.

NEW YORK, FRIDAY, JUNE 15, 1923.

PRICE TEN CENTS.

THE TOWN IN REVIEW

WILLIAM JENNINGS BRYAN is apparently of the opinion that "States' rights" like the tariff, is a local issue. Where "States' rights" favor his pet he is for "States' rights"; otherwise not.

IT is now time for the annual discussion of moral and immoral bathing suits. Oddly enough, our usually liberal Atlantic seaboard can be considerably wrought up over this subject, while along the Gulf Coast, where a woman who smoked in a restaurant or dallied with a cocktail would be risking her feathers and a scanty one-piece bathing suit without exciting comment.

A GREAT many of the customs which are approved or condemned on "moral grounds" really have nothing to do with morals at all, but win their approval or condemnation in bias or prejudice growing out of local traditions.

ON the general subject of consistency consider the fight of the prohibitionists in England for a local option law, so that a town can vote itself dry if it wishes. But if an American city were to plead for local option so that it could vote itself wet! Treason!

THE latest local fad in murder circles seems to be putting the body in a bag or trunk and hauling it around for a few hours.

THERE seems to be a few Presbyterians in authority who think it easier to ignore than it would be to revise the Confession of Faith.

A MAN at Somerville, N. J., killed himself because he couldn't repair his automobile. There are men who would have gone out in the unrepaid machine and killed somebody else.

CANFIELD wants the New York police to do 90 per cent. of the liquor enforcement in the city. What a time to think of such a thing. He ought to keep up in the news.

WON'T masked journeymen burglars while at work be in danger of breaking the anti-Ku Klux law?

PEGGY MARSH, it seems, just couldn't overcome the June bride habit.

THE "handsomest cop" is being annoyed by camera fiends. I suppose he refers to the fiends who take pictures of the girls who write "mash" notes to him.

IF we go to war with France over our right to pass a prohibition law everybody will be in favor of a selective draft—right off the wood.

DESPITE arguments to the contrary, it is quite possible to Americanize Filipinos to a certain extent. Two have been arrested in this country within a week charged with killing young women.

TELL us not in mournful numbers Life is but an empty dream; With reformers running riot, Life is just one awful scream.

9 DIE IN BATTLE OF AXES AT SEA

Four British Sailors and Five Chinese Killed When Crew Holds Up Passengers.

CAPTAIN GOES WITH \$5,000

A crew of four British sailors and five of a score of Chinese passengers aboard the two-masted schooner *Maya Beatrice* of Nassau, were slain in a pistol and axe battle aboard the schooner Tuesday night, the surviving fifteen Chinese found aboard the boat drifting near Sandy Hook and towed into quarantine by pilot Wednesday night told immigration officials through an interpreter yesterday.

The dead, sailors and Chinese were thrown overboard after the battle was over, and the remaining Chinese with scant maritime knowledge tried to bring the boat, which was a short distance from shore into port. Favored by fair weather, they avoided disaster drifting about until they were sighted by a pilot late Wednesday.

The captain of the boat was not aboard when the trouble occurred. According to the story of the Chinese he had collected \$500 or part of that sum from each of the twenty Celestials on the promise that he would bring them to the United States, making about \$5,000 in all. They all set out from Havana on May 8. They sighted New York harbor on June 6 and were drifting about for some time. The captain on that date set out for shore in a small boat, the Chinese said, and late Tuesday the trouble between the crew, consisting of two white men and two negroes, broke out.

According to the story of the Chinese, the crew, knowing the Celestials had considerable money, with them that they had earned in the West Indies, held them up with revolvers and tried to rob them. The Chinese fought with axes, and when the bullets of the crew were exhausted the Chinese "chopped up" their assailants and threw them into the ocean, along with the five of their own kind who had fallen in the battle.

Three of the Chinese found on the drifting vessel were in a badly mutilated

ACCUSE EXHIBITOR OF ASKING BRIBE

Fred Williams Charged at Famous Players Hearing of Offering Aid for Contract.

WILLING TO CALL "QUITS"

A Government witness, Fred Williams, a motion picture exhibitor of Greenwich, Ct., also publisher of the *Reel and Review*, was accused on the stand yesterday in the investigation being conducted by the Federal Trade Commission to ascertain whether the Famous Players-Lasky Corporation is a trust, of having offered in a conversation in the hearing chamber with Louis J. Selznick and George Schaeffer of the Famous Players company before taking the stand "to call everything quits" if he could get a five years' contract with the Famous Players company for pictures.

The witness was accused by Robert Swaine, counsel for Famous Players, during the course of his cross-examination. "I did express a desire for a five-year contract on the basis of a 10 per cent. increase each year in order that Famous Players would not erect a theatre next door to my house, but I absolutely did not state that I would call everything quits," declared the witness. "I would be tickled to death to get such a contract."

Also Bring Up "Slander." Counsel Swaine for Famous Players also accused Williams of "slandering" the Famous Players company in his publication, *The Reel and Review*, and the witness in reply said that he sent a letter to S. R. Kent, general sales manager for the Famous Players company, in which he made the offer to retract any article that the company could point out "was unjust criticism." Williams declared he received no reply to his offer. In the course of his interrogation Mr. Swaine also recalled a visit paid to the Famous Players office by a solicitor

seeking printing work, who represented Williams. Swaine said that the solicitor agreed the publication. The *Reel and Review*, would "lay off" the Famous Players if they got some of the printing of press sheets. Swaine said the solicitor was told to tell Williams "to go to—" and that the printing could only be obtained through competitive bidding.

Says He Discharged Man.

Williams admitted knowledge of the incident and said that when the solicitor told him what he had said to the representative of Famous Players he discharged him, and also rejected a \$100 printing job that had been awarded him by Famous Players, after 30 per cent. of the work had been done.

Under direct examination by Marvin Farrington, counsel to the Federal Trade Commission, Williams testified as to difficulty he had had with the Famous Players company over a contract for pictures, which he said Famous Players had tried to cancel. A settlement, he said, was finally reached with Famous Players after he, Williams, had made a complaint to the Theatre Owners' Chamber of Commerce and the National Association of Theatre Owners.

The hearing will be resumed at 10:30 o'clock this morning, when Sydney S. Cohen, president of the Motion Picture Theatre Owners of America, will be recalled as a witness.

BEER TWO CENTS A GLASS. That's the Regular Price, but Munich Is Far Away. (By United News to The Morning Telegraph.) MUNICH, June 14.—Although huge quart steins of Munchener cost 2,000 marks, nominally \$50 apiece, at the Hofbrau Haus, beer works out to only 2 cents the stein when bought by Americans here.

Champagne can be bought for the equivalent of 30 cents a bottle, while whisky, which due to the prevalence of synthetic chemical compounds, is as "third rail" as any bootleg brand, costs 50 cents a quart.

HOW FAIR SCORES TURF TRIUMPH FOR MAJOR BELMONT

Dark Daughter of Fair Play and Hour Hand, Ably Ridden by Albert Johnson, Runs Speedy, Game and True Race to Win Coaching Club American Oaks With Six Lengths to Spare.

FLYING CLOUD TAKES HILLSIDE

Ranocosa Horse Comes From Behind to Romp Home Ahead of Episode and Firm Friend—Reply Leads Fillies in Close Finish. Chesterbrook Surprises in Third Event, Leading All the Way.

WINNERS AT BELMONT PARK.

FIRST RACE. Reply, 1 to 2 straight, out place and out show, won. Exalted ruler, 2 to 1 straight, 1 to 4 place and out show, second. Pink and Yellow, 15 to 1 straight, 5 to 2 place and out show, third.

SECOND RACE. Our Boots, 3 to 10 straight, out place and out show, won. Loryer, 10 to 1 straight, 3 to 1 place and even show, second. Yabber, 10 to 1 straight, 5 to 1 place and 5 to 2 show, third.

THIRD RACE. Chesterbrook, 9 to 2 straight, 5 to 1 place and 7 to 10 show, won. Oran, 20 to 1 straight, 8 to 1 place and 10 to 1 show, second. Jolly, 9 to 5 straight, 2 to 10 place and 1 to 4 show, third.

FOURTH RACE. How Fair, 3 to 1 straight, even place and 2 to 5 show, won. Gaddy, 15 to 20 straight, 1 to 6 place and 1 to 2 show, second. Unity, 11 to 20 straight, 5 to 6 place and out show, third.

FIFTH RACE. Flying Cloud, 7 to 10 straight, 1 to 4 place and out show, won. Episode, 8 to 1 straight, 3 to 1 place and 8 to 5 show, second. Firm Friend, 10 to 1 straight, 3 to 1 place and 7 to 5 show, third.

SIXTH RACE. Come, even straight, 1 to 3 place and out show, won. Pep to Prep, 8 to 1 straight, 5 to 2 place and 4 to 3 show, second. Billy Warren, 13 to 5 straight, even place and 1 to 2 show, third.

By JOHN I. DAY. A turf triumph, well deserved but somewhat belated this season, came the way of Major August Belmont, Jockey Club chairman and recognized turf leader in these parts, when How Fair led from start to finish to win the Coaching Club American Oaks feature event of the closing day of the Spring

(Continued on Page 8, Column 2.)

FULLER IS SICK IN LUDLOW JAIL

Breakdown of Broker Follows Long Conference With U. S. District Attorney Harold.

COURT MAY CITE MARSHAL

Wattle Falls to Notify Referee in Bankruptcy, Who Waits Long for Witness.

With E. M. Fuller under the care of a physician in Ludlow Street Jail after a collapse from nervous exhaustion, the inquiry into the affairs of the bankrupt stock brokerage firm, in which he was a partner, proceeded yesterday afternoon before Harold P. Coffin, referee. The entire morning was spent waiting for Fuller, who was expected to make sensational disclosures about the affairs of the firm. Finally, Referee Coffin got in touch with the United States Marshall's office and learned that there was a misunderstanding; the marshal's office thought Fuller was to have appeared at 10 o'clock this morning in the office of United States District Attorney Hayward to resume a conference which was begun at 8 o'clock last night and lasted two hours. Word had been sent to Hayward that Fuller was unable to leave his cot.

When this disclosure was made Referee Coffin had the record drawn up for presentation to the court in the event it is desired to have the marshal held in contempt. The marshal was again instructed that he has orders to produce Fuller at 11 o'clock this morning and on each succeeding morning until otherwise directed. Doctor Siegelstein, official physician for Sheriff Percy Nangle, who signed the certificate saying Fuller was unable to leave his cot, added that Fuller should remain in bed two or three days. He said his condition is not serious, but that he requires rest. Fuller and his partner, W. Frank Metcalf, pleaded guilty to charges of bucketing orders for stocks Wednesday morning before Judge Charles Nott in General Sessions and are awaiting sentence.

No Sympathy Expressed. The reported illness of Fuller brought no expressions of sympathy nor any tendency to grant delay for his recovery. While not doubting that he must feel the effects of the severe strain he has been under, the suspicion is evident that he may be playing for time to get help under the threat that he may make disclosures which will heavily involve others. When pleading guilty he declared that he could never be convicted, but that he would go to jail to save his friends from embarrassment. At the same time he said he is without funds.

From this the inference is drawn in quarters frankly unfriendly to him that he is playing for a few days' time to see if the friends he is quite frankly protecting will come to his rescue; if not, he will make the threatened disclosures. On the other hand it is the desire of those who are trying to solve the many mysteries presented by the Fuller firm's accounts and dealings to force his disclosures at the earliest possible moment, before any development can exert influence to silence him.

Attorney Carl J. Austrian, of counsel for the trustee, who is conducting the investigation, has repeatedly asked witnesses: "Do you expect us to believe that?" after they had explained their dealings with E. M. Fuller & Co. His

(Continued on Page 2, Column 1.)

ETHEL BARRYMORE TO BE MISS GREATER NEW YORK

Star to Be Central Figure in Series of Tableaux Depicting City's Growth.

MACKAY MORRIS IS "KNICK"

The climax of to-day's program at the Silver Jubilee in Grand Central Palace is to be a series of tableaux showing the growth of the city from "old Manhattan" to "Greater New York." Ethel Barrymore will be the center of the elaborate production, which has been directed by R. H. Burnside of the Hippodrome.

At 9 o'clock in the Court of Honor the "portent" will rise on the stage, which shows the boroughs of the city as children twenty-five years back. Then comes the second part, which will depict the children grown up into the five boroughs, Manhattan, Bronx, Queens, Kings and Richmond.

Here Father Knickerbocker, in the person of Mackay Morris, will introduce Miss Barrymore as "Miss Greater New York" and the five "grown-up" boroughs will be portrayed by society girls, among them Frances Fairchild, Mary Spain, Constance Hatch, and Frances Bogart. The whole event is under the personal supervision of Mrs. William Randolph Hearst, chairman of the Mayor's Committee of Women.

Mr. Burnside, after conducting several rehearsals, declared the tableaux will be the most beautiful ever presented in America. No amount of expense has been too much to make the pictures worthy of the civic pride which has let itself be known through the jubilee. A complete set of costumes has been made for the occasion, designed especially with an eye to the proper atmosphere for the meaning of the display.

Many prominent leaders, educators and women of the Mayor's committee are to attend, and the affair is expected

GREATER THAN EVER.



Photo copyright by Strauss-Feyton. Ethel Barrymore will appear at Jubilee today as "Miss Greater New York."

to turn into a social event. At the conclusion of the tableaux Miss Barrymore with her "boroughs" will step down from the stage and be greeted by Mayor Hylan and the five Borough Presidents.

ABIE'S A MATCHMAKER.



Photo by White. Lottie Alter, in play at Republic Theatre, joins others in cast who have appeared before the altar. (No pun intended.)

2 MORE OF ABIE'S PLAYERS MARRY

Lottie Alter and Harry Bradley, of Cast, Become "Mr and Mrs."

At the rate marriages have been taking place in the cast of "Abie's Irish Rose," every member of the company will be traveling the primrose path of double life in another year, which is reckoned as the time when the show at the Republic will be getting ready to move out of the Republic Theatre to go on tour. The latest one took place last Sunday in Bayside, but news of it did not transpire until yesterday. Lottie Alter—a good name, by the way, for such a connection—and Harry Bradley were the principals, and the ceremony was performed by the Rev. Dr. Brown of All Saints' Episcopal Church in Long Island. After the knot was tied beyond peradventure of a slip, the party adjourned to Bradley's home at Beechurst for a celebration.

Among those who attended were Anne Nichols, author and producer of "Abie's Irish Rose," Evelyn Nichols, Hazel Davis, Eleanor Owen, George Caine, Lewis Barriscale, Mr. and Mrs. Fred Lewis, Mr. and Mrs. Bartley Cushing, Andrew Mack, Robert Kay, Daisy Lou McNamara and Dr. Ferdinand Heene.

CROKER'S WIDOW PRAISED BY COURT

"Affection Best Thing World Has to Give," He Tells Jury at End of Trial.

(By United News to The Morning Telegraph.)

DUBLIN, June 14. "Any man rewarded with such constant, sincere and burning affection got the best thing this world has to give," the Lord Chief Justice told jurors in the Richard Croker will case, in summing up evidence on Bula Croker's relations with her husband, the Tammany chief.

"He said that there could be little doubt in their minds that Croker knew what he was doing when he made his will in favor of Bula, but that they must determine whether the will had been lawfully made and executed, and also whether the 'boss' was sane and sound when the will was made."

He stated that the mass of evidence showed that the boss was shrewd and level-headed until death, the only evidence refuting this being that of Richard Croker, but that they must determine whether the will had been lawfully made and executed, and also whether the "boss" was sane and sound when the will was made.

It was stated that the mass of evidence showed that the boss was shrewd and level-headed until death, the only evidence refuting this being that of Richard Croker, but that they must determine whether the will had been lawfully made and executed, and also whether the "boss" was sane and sound when the will was made.

As the Lord Chief Justice did not finish his summing up, court was adjourned until tomorrow.

Discussing the charge that Bula unduly influenced Croker, the Lord Chief Justice declared "all wives exercise an influence over their husbands but that influence is not necessarily unlawful."

He told the jury that only if they were satisfied that the will was executed under the dominating influence of Bula and by overpowering volition without convincing judgment, they should find that the will was executed under "undue influence."

N. Y. THEATRES SAVE \$50,000 A YEAR BY 25% INSURANCE CUT

Reduction Is Announced by Ligon Johnson, General Counsel for International Theatrical Association, After Long Campaign Against Rates Called Wholly Out of Proportion.

UNDERWRITERS FINALLY YIELD

With Fight Won for Legitimate Playhouses, Motion Picture Men May Start Battle for Same Premiums as Other Insurance Boards Hear Appeal to Follow New York's Lead.

The International Theatrical Association through its general counsel, Ligon Johnson, received word from the New York Fire Insurance Exchange yesterday of a reduction of 25 per cent. on insurance rates for theatre buildings and contents.

This notification, the net result of an energetic campaign on the part of the International Theatrical Association, reads as follows: New York Fire Insurance Exchange, 123 William Street, New York City, June 13, 1923.

Ligon Johnson, Esq., General Counsel International Theatrical Assn., Inc., 1540 Broadway, New York City.

Rates of Fireproof Theatres. Dear Sir—Referring to my letter of June 5, I now have to advise you that the New York Fire Insurance Exchange at its meeting held to-day took the following action:

Voted, that the Theatre Schedule of the Exchange be amended by changing the item reading "Less 40 per cent. to Bldg. if F. P." to read, "Less 55 per cent. to Bldg. and 25 per cent. to Contents, if F. P."—the reduction in rates thus resulting to be made available only on ratings based on new full occupancy surveys as same come due.

The net result of this action is a reduction in existing building and contents rates of exactly 25 per cent. Very truly yours, (Signed) Willis O. Robb, Manager.

Wholly Out of Proportion. Early last Winter the International Theatrical Association instituted a campaign throughout the country for a reduction in insurance rates upon theatres and their contents, claiming that the actual rates were wholly out of proportion to rates charged on other risks, such as hotels, apartment houses, stores and factories where there was no such supervision in the matter of fire protection, nor were such buildings equipped with fire-fighting apparatus to be found in theatres.

The association made a complete compilation of statistics showing insurance carried on theatrical properties, premiums paid and fire losses in theatres which statistics were presented to the New York Fire Insurance Exchange and to other insurance rate-making bodies throughout the United States along with the Association's applications for a reduction in insurance rates. Senator Walters, representing the Vanderbilt Managers' Association, has been in co-operation with the International Theatrical Association in the campaign for a reduction in insurance costs. The New York Fire Insurance Exchange, having officially notified Ligon Johnson, general counsel of the International Theatrical Association, yesterday of a rate decrease of 25 per cent. upon theatre buildings, also a decrease of 25 per cent. on the contents of theatres. This will mean a saving to the theatre managers of New York City alone of about \$50,000 a year.

No Reduction on Picture Houses. The motion picture theatres are given no reduction in rates, the reduction granted applying solely to the theatres with stage and dressing rooms. The International Theatrical Association has already filed similar applications in the remaining fifty-two fire insurance underwriting boards, fixing the general counsel of the United States. New York has led the way in the reductions and is the first of the States to act upon the application.

WHISKY TRIED BY JURY. Found It Was Real and Then Gave Verdict of Guilty.

(By United News to The Morning Telegraph.) NEWARK, N. J., June 14.—American's most conscientious jury weighed carefully the evidence submitted to it yesterday in a liquor case. The result was that Exhibit A, which contained three-quarters of a quart of Scotch whisky when placed in the jury's hands, held but a faint whiff when it came back from the jury room.

Verdict: Guilty of possessing intoxicating liquor.

THE WEATHER. Continued fairness to-day. To-morrow slight change in temperature and probably cloudy.

FULL SELECTIONS WILL BE FOUND ON PAGE 12. FAIR PLAY'S ONE BEST (AT AQUEDUCT) TWO FEATHERS SHARPSHOOTER'S ONE BEST (AT LANTONIA) BETTY BEALL

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RACING
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GENERAL SPORTS

Vol. 101. No. 187.

NEW YORK, SATURDAY, JUNE 16, 1923.

PRICE TEN CENTS.

THE TOWN IN REVIEW

HARDING TO Tackle Revolt.—Headline. Foothillically speaking, he could easily be considered as having been the All-American choice the last few seasons.

DO you notice how much the ex-President of China resembles Huerta in newspaper pictures? Huerta fled, too.

JASCHA HEIFETZ has been offered \$6,371 wage to play in a Paris restaurant. Come home, Jascha, come home.

THE man who dove from the top of a Fifth Avenue bus has realized a sensation many have had when riding on the darn things.

ADVICE to men who want to sober up quickly: Get on a bus without any one inside and the top crowded and watch her sway.

A MORNING paper headlines thusly: "Body of Supposed Bootlegger's Victim Found." I'm rather glad the bootlegging industry has sprung up; motion pictures will be relieved of some of the blame for harrowing happenings.

FULLER and McGee indicate they may reveal some of the bucking secrets. Bet they don't tell where the well is.

THE trouble with the curl market seems to have been that the emphasis was placed too much on the market and not enough on the curb.

INVESTIGATION of an alleged conspiracy to retire superior officers in the Police Department to make room to promote their juniors would indicate that the lieutenant had been taking Kipling too seriously in believing the millennium would be reached when "The captains and kinks depart."

WHEN referring to pedestrian records, don't forget Babe Ruth has been walking more frequently than any other player in either league.

FROM the response of the sailors it is apparently liquor that makes the ship go round.

PERHAPS a theatrical laboratory would meet with a more ready response if it weren't for the sinister sound of the first two syllables of laboratory.

PERHAPS one reason why there are fewer lyric poets and essayists in America just now is that they are all writing advertising copy.

YOU'LL notice that all these yacht races have their start in this country; but the finish is Bermuda or England. There has to be something to go with the cup.

IT looks as though the best way to clean up Wall Street would be to turn loose a vacuum cleaner on the financial district.

MOSES' feat of drying a path through the Red Sea has now been imitated by the ruling of the United States Treasury, which dried a strip of three miles along the 2,000 miles of the Atlantic and Pacific coasts last night.

THE blump of the mark is said to have ruined racing in Germany. The horses can't even keep up with its headlong flight.

PACIFISTS presumably will be satisfied that English battlehips are being made into razor blades, if it be shown that they are for safety razors.

IN spite of transit difficulties the life of New Yorkers tends to become less and less urban and more suburban.

PERHAPS if some of the contraband beverage that's causing all this international discussion were permitted to have a part in the controversy, the three-mile limit would look like the twelve miles the dry advocates are striving for.

IF they catch that life prisoner who has just escaped from the up-State penal institution, I wonder if they will extend his sentence as a retaliation measure for breach of discipline?

THAT aged Kansan who preferred jail to living in California was probably a victim of civic pride. He didn't believe it when the natives insisted the Coast climate was superior to that of his home State.

CHINA evidently doesn't know where its next President is coming from.

OR where its last one is going to, for that matter.

WONDER if the news of the third wedding of a Vassar alumna since graduation on Wednesday last can be regarded in the light of propaganda for a college career?

THEN, again, of course, there's the cynic to be reckoned with.

ANYWAY, that chap who was fined \$2 for trying up traffic while he recovered 25 cents in the subway got a good lesson in economics pretty cheaply.

THE man who ran away to leave his fiancée to battle with three things may have been looking for the news reel motion picture camera operators.

OR maybe he couldn't stand the sight of three able-bodied men being mishandled.

STARVING Chinese Adrift in Ship.—Headline. Seems to me these Chinese and Armenians are always starving, no matter where they are found.

OH, well, I suppose they are used to it.

THIS apparition about the cost of the Levitan "junkie" sounds much like the wallings of those who were not invited.

IT'S going to be an awfully long row if another nine miles is tacked onto the three-mile limit.

GERMANY looks for a continued decline of the mark, says a news dispatch. So do we.

BEAU BROADWAY.

COHEN DECLARES FILM PRICES HIGH

President of M. P. T. O. A. Finds Fault With Famous Players-Lasky System of Selling.

HEARING TO BE ITINERANT

Sessions in Other Big City Distribution Centers to Follow Trust Inquiry Here.

Sidney Cohen, president of the Motion Picture Theatre Owners' Association of America, on the witness stand all day yesterday before E. C. Alvord of the Federal Trade Commission, declared that the practice of the Famous Players-Lasky Corporation of selling their pictures in blocks results in prices for some of the pictures being too high. He declared that exhibitors ought to have the right to select what they want since they are acquainted with their public, which differs with each locality.

He said that as early as 1920 he had felt that it was necessary to oppose the business methods of Famous Players in the distribution of Paramount Pictures and for that purpose had called a meeting that year in Cincinnati.

Marvin Ferrington, of counsel for the Federal Trade Commission, offered in evidence the voluminous correspondence between Adolph Zukor of Famous Players-Lasky and Mr. Cohen, in which the method of selling Paramount pictures is discussed.

He also gave extensive testimony about the case of Mrs. Pauline Dodge, a widow, of Morrisville, Vermont, who relinquished her lease to a motion picture theatre, it is alleged by the Motion Picture Theatre Owners' Association that she was forced out of business by the aggressive methods of the New England Film Enterprise under the direction of Alfred S. Black, a subsidiary of the Famous Players-Lasky Corporation. Mr. Cohen's testimony was to the effect that Mr. Zukor gave the M. P. T. O. A. \$5,000 to be given to Mrs. Dodge and that the association added to this amount.

Mr. Cohen quoted Marcus Loew, owner of a chain of motion picture theatres, as saying that he had received a proposition from Famous Players for the showing of a picture on a long-term basis. Mr. Loew said, according to Cohen, that "if they ever get away with that we are gone."

Following the hearing here testimony will be taken in Philadelphia, after which hearings will be held in the principal distribution centers for films throughout the country.

CAN PHONE AND SEE OVER THE SAME WIRE

Berlin Physician Declares He Has Device to Make Hobbies Change Their Methods.

(By United News to The Morning Telegraph.)
BERLIN, June 15.
Tough news for the telephone-alibi shark—"I'm working late at the office, dear."

Wife can now look coldly along the five miles of suburban telephone wire and the poker gang in the neighborly office, or the blonde stung putting on her summer furs to go out to tea with friend husband.

Blame it all on Herr Doktor Dionys von Miltz.

The Herr Doktor today published a book announcing he has invented a device that, attached to any telephone, shows clearly and distinctly—at the other end of the wire—just what's happening in the abill factory.

A series of lenses, connected with sensitive electric contacts, transfer a true picture in natural colors.

HYLAN SPEAKER AT CELEBRATION OF TRAIN

Mayor Takes Part in Twenty-first Birthday Program for Twentieth Century Limited.

The twenty-first anniversary of the inauguration of the Twentieth Century Limited train of the New York Central Railroad between New York and Chicago was observed yesterday afternoon at the Grand Central Terminal just before the departure of the limited for Chicago.

Mayor John F. Hylan, Chairman of M. Depew, chairman of the board of directors of the New York Central, and President A. H. Smith of the railway, were the speakers.

Several thousand persons gathered at the Terminal and crowded the concourse and train platforms while the limited was speeded on its way. Mayor Hylan giving the "high ball" signal that sent the train on its trip.

Mayor Hylan, who for years handled a throttle, shook hands with each member of the crew and made a little speech.

MULLAN-GAGE LAW FINES.

Eighteen Pay for Breach of Act Before Its Repeal.

Imposing fines on eighteen defendants who violated the Mullan-Gage law before its repeal by the State Legislature, Judge Otto A. Rosalesky in General Sessions yesterday said the law had done more to interfere with justice than any other law, because the large amount of the Court's time it took up.

LITTLE CHIEF WINS BROOKLYN; BUNTING IS SOUNDLY BEATEN

RANCOCAS STABLE BREAKS TURF RECORDS
WITH \$194,956 WINNINGS EARLY IN YEAR

The Rancoocas Stable of Harry F. Sinclair and Sam Hildreth has broken all American purse-winning records for this season of the year. The season total, with the Suburban victory by Little Chief included, has reached \$194,956 and will of course continue to grow. Following are the stable's leading winners:

	1st	2nd	3rd	
Zer	5	—	—	\$144,966
Grey Lady	4	1	—	26,900
Mad Hatter	1	—	—	8,200
Little Chief	1	—	1	7,700
Tester	1	2	—	5,900
Flying Cloud	4	2	—	4,666
Outline	1	—	—	4,500
Rigel	4	—	1	4,136
Whirlwind	2	1	1	2,212
Knobbie	1	—	1	1,850
Aladdin	1	—	—	1,561
Bud Lerner	1	2	—	1,336
Sheridan	1	—	3	1,164

Other race winners in the juvenile division are Sheridan, Eaglet, Mad Play, Dauntless, Lady Diana, while non-race winning contributors to the winning list are Bracdale, Cour de Lion, Lacanda, Rival, Tolina, Stroller and Mitsu.

BULA CROKER WINS WILL FIGHT

Children of Former Tammany Chief Are Defeated in Dublin Court and Must Pay Costs.

WIDOW GETS THE FORTUNE

(By United News to The Morning Telegraph.)

DEBILIN, June 15.
The burning love of Bula Croker, Oklahoma Indian, for her pictureque husband, Richard Croker, of Tammany Hall, has won complete vindication of her name and the right to the "chief's" fortune.

Despite the testimony of witnesses brought from Northampton, Mass., to prove that she lived with Guy Marone prior to her marriage with Croker, the jury today awarded her a favorable verdict, with costs, in the will suit brought by her stepchildren.

Whatever her past, Bula loved the eccentric Tammany chief. Her heart responded with sincere and passionate strength to the dominant nature of the iron-handed politician. When in the Dublin court the plaintiff's attorney had scoffed at Tammany Hall she flamed into rage, vowing that Tammany was a noble institution, and saying:

"He was its chief—and a beautiful chief."

Twelve good men and true of Dublin City found in the jury room that the woman who thus loved Croker was entitled to his fortune.

For six hours yesterday and to-day the Lord Chief Justice summed up the case. Plaintiff's counsel formally objected to this address, and asked that the jury be recalled. The request was refused.

Put yourselves in old Richard Croker's shoes," the Lord Chief Justice told the jury in summing up the case and urging them to look at the situation from the human standpoint, not worrying about "undue influence and coercion."

Regarding the allegation of Bula's misconduct before her marriage, he suggested that the jury rely upon its own knowledge of the world and its own common sense.

He described Bula's efforts to raise herself to a better position in life and how, to get above the social status of an Oklahoma farmer's daughter, she became a school teacher.

The Judge suggested that an ambitious woman would naturally lead such a life as Bula claimed to have led, and added: "But instead of that it is avowed that Mrs. Croker was the wife of a working tailor, living in a single room."

Bula had produced witnesses to prove that she was living in Oklahoma and teaching school at the time she was alleged to have lived with Marone in Massachusetts. The Judge told the jury to ask themselves whether her story or the story of the plaintiff that she was living with Marone was the more probable in view of her attitude toward it.

"Guy Marone is a living man," he said. "Is it likely that he would remain silent all this time? Why was not the working tailor produced to say he knew a tailor named Marone? Why is no member of the Italian community present?"

Amid tumultuous applause the verdict was returned. The court room went wild with enthusiastic cheers as the Lord Chief Justice formally admitted the will to probate.

The charge that Bula was the wife of Marone when she married Croker was declared unfounded.

Richard Croker, Jr., and Mrs. Ethel C. White, children of Croker by his first marriage, were the defeated plaintiffs. They had sought to break Croker's will made out in favor of his wife.

WOMAN ON BOAT DURING BATTLE

Harbor Officials Find Garment in Hold of Ship Which Brought Chinese Here.

HUNT ON FOR CAPTAIN

(By United News to The Morning Telegraph.)

Sinister mysteries sprouted like toadstools in the witch garden of a tenth century tale yesterday as Government agents struggled to untangle the discordant stories told about the murder ship, Mary Beatrice, which was brought into New York harbor, with fifteen Chinese on board, bloody evidence of a battle with axes and no-crow.

It now appears that there was a woman on board some time between last Sunday and last Tuesday. A woman's silk and lace trimmed garment was found in the foul hold of the two-masted schooner.

Next it appears that the boat's name may not be Mary Beatrice, because there is evidence that the name had quite recently been changed. Sir H. Gloster Armstrong, British Consul General, cabled Nassau to find out if the vessel is of British registry, and has not yet received an answer.

Copies of Brooklyn newspapers dated June 9 and June 10 were found on board, which indicate that the boat had been off New York harbor longer than previous statements indicated.

Government agents have a story from a man whose name and identity they will not reveal to the effect that the mysterious woman was brought on board the schooner by a run-runner's boat off the Jersey coast. According to this story, the same boat took the woman off, together with the ship's papers, while the crew and the mutinous Chinese fought.

Statements made about this fight by the Chinese who were arrested when the boat was brought into the harbor is that the schooner's crew of two white men and two negroes all perished after killing five of the Chinese.

Cap. William Williams of the Treasury Department agents says he expects to make an arrest within twenty-four hours. It is known that the captain of the boat escaped before the fight took place.

The fifteen Chinese are being held at Ellis Island. As soon as the evidence of a woman being on board appeared, they were questioned again and denied that there was any woman on board.

Moreover, they differ among themselves not only as to details, but very important phases of the story. One Chinese, who is in the hospital, one of his hands having been chopped off with an axe, tells a story which scarcely agrees with the others in any particular.

Among the articles found on board the stained boat were two axe handles which show that they were gripped by blood-stained fingers. A rusty axe and a blood-stained blade, and a pair of blood-stained trousers. The trousers were found in the rigging.

More rapid progress would be made with this case out for the fact that 102 Chinese were recently rounded up in Long Island City suspected of being in the United States illegally, and their cases are now under investigation.

There is scarcely a doubt that the fifteen men taken from the Mary Beatrice will be deported, but first an investigation will be necessary to determine if any of them are wanted on criminal charges.

Diminutive Son of Wreck and Medora 2nd Rolls Up One More Victory on String for Rancoocas Stable When Sande Puts Up Perfect Ride and Brings Mount Home With Two Lengths to Spare.

FINE OPENING FOR AQUEDUCT

Great Throng Out at the Popular

Queens County Course to See

Thirty-fifth Running of Historic

Race and Harry Payne Whitney

Is on Hand and Suffers His Second Disappointment in Two Days.

WINNERS AT AQUEDUCT.

FIRST RACE.
Modo, 8 to 1 straight, 3 to 1 place and 7 to 5 show, won. Dry Moon, 10 to 1 straight, 4 to 1 place and 2 to 1 show, second.

SECOND RACE.
Rol Creal, 6 to 5 straight, 2 to 5 place, 1 to 2 show, won. Pastalade, 7 to 5 straight, even money, 2 to 1 place, 1 to 2 show, second. Crest Hill, 4 to 1 straight, 7 to 5 place and 1 to 2 show, third.

THIRD RACE.
Spic and Span, 1 to 1 straight, 5 to 2 place and 6 to 5 show, won. Dettally, 7 to 1 straight, 5 to 2 place and 6 to 5 show, second. Lord Killmore, 10 to 1 straight, 5 to 2 place and 3 to 1 show, third.

FOURTH RACE.
Little Chief, 13 to 5 straight, 1 to 2 place and 2 to 1 show, won. Bentley, 4 to 5 straight, 1 to 5 place and out show, second. Knobbie, 13 to 5 straight, 2 to 5 place and out show, third.

FIFTH RACE.
Canyon, 6 to 1 straight, 2 to 1 place and even show, won. Mite and Mite, 8 to 1 straight, 2 to 5 place and even show, second. Wynwood, 7 to 1 straight, 5 to 2 place and 6 to 5 show, third.

SIXTH RACE.
Humorette, 3 to 1 straight, even place and 1 to 2 show, won. Nite and Nite, 10 to 1 straight, 5 to 2 place and 2 to 5 show, second. Fleeting Moments, 9 to 2 straight, 5 to 2 place and 7 to 10 show, third.

By JOHN I. DAY.

Once more the uncertainty in horse racing was presented most forcibly to many thousands of racing enthusiasts who had crowded themselves into the popular Aqueduct racetrack yesterday to see the running of the historic and famous Brooklyn Handicap. About the surest thing, so far as racing has progressed around these parts this season, is that the big stakes, or most of them, seem to belong to the Rancoocas Stable.

Little Chief, well named in the adjective end of his nomenclature, because he is one of the smallest thoroughbreds racing to-day, perfectly ridden by Earl Sande, premier rider of America, placed further honors upon the Rancoocas clan when he carried the white and green to victory in the thirty-fifth running of the classic Brooklyn.

The shock of surprise that came with the winning of Little Chief was caused by the defeat of Harry Payne Whitney's Bunting, which finished two lengths behind the winner. Still further back came Knobbie, stablemate of Little Chief, and the horse that set a pace for the early part that started his opponents staggering. Fourth was Exodus from the Greentree Stable, and ten lengths behind him came Frank Brown's Ephraim, well in front of Derivation, added from the stable of Steve Pettit after the original card had been announced.

Bunting is Big Disappointment.

Sitting in a box with his brother, Payne Whitney, and Mrs. Payne Whitney, the owner of Bunting received even more of a shock than he suffered on the previous day at the closing of Belmont Park, when his filly, Gaddy, of which he felt so certain, was unable to defeat Mrs. August Belmont's How Fair in the running of the Coaching Club Oaks. Just as regularly as one victory seems to pile upon another in the laps of Messrs. Sinclair and Hildreth, defeat seems to fall the way of the Whitneys and Roves, owners and trainers, respectively, of a great racing establishment.

There were some who said after the Brooklyn that Bunting had made a mistake in the date and ran the Brooklyn at Belmont Park last Wednesday, when he went out between races and worked the distance in 1:26.35 or 35 of a second faster than the time recorded at Aqueduct yesterday. The son of Pennant and Fillery proved himself fit on that day and came out of himself in

GET \$22,000 PAY OF PULLMAN CREW

Four Robbers Hold Up Three Pullman Employees Near Sunnyside Yards and Seize Money.

EAST SIDE ROBBER IS CAUGHT

Two hold-ups of payrolls were attempted by bandits in Greater New York yesterday. The more daring and better planned effort succeeded. The lone hand failed.

Four bandits held up a cashier of the Pullman Company, his assistant and a special railway officer, at the entrance of the Sunnyside Yards, in Queens, and made off with \$22,000, the payroll of the 500 Pullman employees in the yard. They escaped later in a car which was waiting for them.

Shortly after nine o'clock yesterday morning, F. E. McGuire, receiving cashier of the Pullman Company, accompanied by E. F. Groeben and John Moran, a special policeman of the Pennsylvania Railroad, left the Pennsylvania station in a taxicab driven by Frank O'Neill.

The taxicab went by way of the Queensboro Bridge into Jackson Avenue, Long Island City, and onto the Diagonal street viaduct, from which there is access to the yards.

When O'Neill slowed down to take the curve into the ramp leading down into the Sunnyside yards a man stepped out from the curb and into the path of the taxicab.

It appeared to be an accident and O'Neill put on his brakes and brought his machine to a stop. As he did so the man, who had been cursing him for careless driving, called out: "All right, now stick 'em up."

At the same instant he pulled a pistol and covered the driver, who immediately threw up his hands. Simultaneously three men who had come up behind the taxicab ran up.

One of them smashed the rear window with a piece of pipe and struck McGuire on the head, stunning him. A confederate ranged up on each side of the car and each opened a door. One of them picked up the bag of money which lay on the floor.

Drive down that runway, and don't you look back," cautioned the man in front, and O'Neill let his gears and started the taxicab down the runway.

While the cab rolled down a touring car, driven by a hatless and coatless chauffeur, backed up, the men jumped

NEED MORE THAN A HAND TO DRIVE BRIDAL PLANE

(By United News to The Morning Telegraph.)

ARKANSAS CITY, Kan., June 15.
The one-armed pilot has no place in the air. It can't be done, admitted Mr. and Mrs. M. D. Newton as their honeymoon flight from Paul's Valley, Okla., to Kansas City ended suddenly when their plane crashed into a treetop.

The plane landed upside down, but neither bride nor bridegroom was injured. As they sat laughing at each other, each astride a limb, Newton reiterated: "You can't drive an airplane with one arm."

EX-PREMIER SLAIN IN BULGAR REVOLT

Stamboulsky Is Captured and Then Killed by Peasants Within Sight of Own Palace.

(By United News to The Morning Telegraph.)

BELGRADE, June 15.
Semi-official Sofia dispatches announce that ex-Premier Stamboulsky has been slain.

Stamboulsky was captured yesterday at the village of Golak by Government troops. He was transferred to Tatar Pazarjik, where a crowd threatened to lynch him.

His escort removed him to Slavovits, his home village, where a mob of peasants attacked and killed him. Stamboulsky died within sight of his fortress palace there, the stronghold in which he began his plans for overthrowing the Zankoff Government after the latter's coup had thrust him from power.

To-night Sofia was celebrating his death, the streets and cafes of the Bulgarian capital filled with cheering crowds. Three hundred wounded Zankoff troops in hospitals there told of his fierce fight to regain power.

Peasant disorders continue throughout the country. Contradictory reports come from Bulgarian Government circles and from Stamboulsky supporters. The latter claim peasant troops which have been marching from Philippolis are at the gates of Sofia.

The Government reports that all is calm and that the rebellion is being quelled.

Sofia newspapers published a report that Stamboulsky planned a military coup to overthrow King Boris and proclaim himself ruler of Bulgaria on September 25.

The Little Entente Friday made joint representations to Sofia, claiming alleged infringement of the Treaty of Neuilly in increasing the Bulgarian Army above the treaty quota.

FULLER SENTENCE COMING TUESDAY

Defense and Prosecution in Bucket-shop Case Still Playing for Showdown.

FOLEY GIVEN CLEAN BILL

Edward M. Fuller and his partner, W. Frank McGee, of the bankrupt stock brokerage firm of E. M. Fuller & Company, are to be sentenced Tuesday morning by Judge Charles C. Nott in General Sessions, both having pleaded guilty to a charge of bucketing orders.

Fuller is to appear Monday afternoon at 2 o'clock before Referee Harold P. Coffin for further examination in the bankruptcy hearing.

These were the specific developments yesterday, but it is admitted that under the surface defense and prosecution are still playing their hands for all they are worth. Creditors and others interested in the investigation of the Fuller concern feel that they are just beginning to get at the real facts in the case and that Fuller can disclose a great deal about others interested in the firm of which he was one of the heads.

On the other hand the defense had two objectives, one to get as light a sentence as possible and the other to protect any persons whose connection with the Fuller firm might be embarrassing to them if disclosed.

District Attorney Joseph H. Barton yesterday denied that he and United States District Attorney Hayward are working at cross purposes in the Fuller case. He also declared that he does not believe Charles S. Stoneham or Thomas F. Foley had any connection of a criminal nature with the Fuller concern.

"I would be the first to prosecute them if they had any such criminal connection," Mr. Barton declared.

The mystery of greatest importance in connection with the Fuller concern is what became of about \$6,000,000 worth of assets just before the firm failed. Because McGee's wife sailed for France a few weeks ago the suspicion was expressed that she might have carried some of the missing assets away with her, but this story has received indignant denial from several sources.

Meanwhile, McGee and Fuller remain in Ludlow Street jail, where they were remanded by United States District Judge Goddard for contempt of court because of the disappearance of important papers, which were to have been introduced before the referee in bankruptcy. Any appearance which McGee

(Continued on Page 3, Col. 1)

THE WEATHER.

Fair and warmer to-day and to-morrow.

